MUNICIPAL CORPORATIONS ACT

CHAPTER 25:04

Act
21 of 1990
Amended by
28 of 1991
*7 of 1992
8 of 1992
*36 of 1995
18 of 1998
13 of 2003
14 of 2006
18 of 2007
11 of 2008
5 of 2009
6 of 2009
*18 of 2009
13 of 2013
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Note on Omissions

The following Subsidiary Legislation have been omitted:

A. Vesting Orders made under section 7A of the Act.
B. Standing Orders made under section 66 of the Act with respect to—
(i) City Corporations;
(ii) Borough Corporations; and
(iii) Regional Corporations.

C. Market Bye-laws made under section 196 of the Act.
D. Abattoir Bye-laws made under section 208 of the Act.
E. Municipal Corporations Orders made under sections 48 and 187 of the Act.

(For references to the above Vesting Orders, Standing Orders, Market Bye-laws and Abattoir Bye-laws—*See* the Current Index of Acts and Subsidiary Legislation.

N.B.—Although the above Vesting Orders, Standing Orders, Market Bye-laws, Abattoir Bye-laws and Municipal Corporations Orders are of importance, the need for reference to them is very limited and in view of their length it is not considered practical to publish them in the Revised Edition. They are issued with the *Gazette* and published in the Annual Volumes of the Acts and Subsidiary Legislation of Trinidad and Tobago and copies may be purchased from the Government Printery.

Note on Commencement Dates

14th September, 1990: Legal Notice 182/1990 brought sections 1 and 273 into operation with effect from 14th September, 1990.

3rd April, 1991: Legal Notice 39/1991 brought the following sections and Schedules into operation with effect from 3rd April, 1991—

(a) sections 2, with respect to the definitions of "elector", "electoral district", "Municipality" and "Returning Officer", 3, 4, 5(1), 11(1), (2), (3) and 275; and

(b) the First, Second, Third Schedules and the Eleventh Schedule, in so far as this Schedule applies to section 2 and the First Schedule of the Representation of the People Act, Ch. 2:01, section 82 of the Interpretation Act, Ch. 3:01 and sections 2, 3 and the First and Second Schedules of the Elections and Boundaries

Commission (Local Government) Act, Ch. 25:50.

1st October, 1991: Legal Notice 129/1991 brought the following portions of the Act into operation with effect from 1st October, 1991—

(a) all portions not yet proclaimed in so far as they apply to the City of Port-of-Spain, the City of San Fernando, the Borough of Arima and the Borough of Point Fortin; and

(b) all portions not yet proclaimed, other than—

(i) section 207; and

(ii) those sections and Schedules falling under or relating to Parts III, V and VII, in so far as they apply to the several new Municipal Corporations established under section 4 of the said Act.

1st September, 1991: Legal Notice 129/1993 brought section 207 into operation in so far as it applies to the Municipal Corporations established under section 4.

17th June, 1996: Legal Notice 90/1996 brought into operation the following Parts and Schedules into operation—

(a) Parts III, V, VII in so far as these apply to the several new Municipal Corporations established under section 4 of the Act; and

(b) the Fifth, Sixth, Seventh and Ninth Schedules.

Note on Sections 210, 211 and 213

Sections 210, 211 and 213 make reference to the Twelfth and Thirteenth Schedules. However, these Schedules are not contained in the Act.

Note on Acts Nos. 7 of 1992 and 36 of 1995

(These Acts are spent).

Note on Part V

Part V of the Act was repealed by Act No. 18 of 2009. As a consequence of this repeal, the Sixth Schedule has been omitted.

CHAPTER 25:04

MUNICIPAL CORPORATIONS ACT

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CHAPTER 25:04

MUNICIPAL CORPORATIONS ACT

21 of 1990.

An Act to provide for the continuation of the City and Borough Corporations for the erection of certain other Municipal Corporations and for the Consolidation and Reform of Laws affecting Local Government.

*[ASSENTED TO ON 13TH SEPTEMBER 1990]

Short title and Commencement.

1. (1) This Act may be cited as the Municipal Corporations Act.

*(2) This Act shall come into operation on such date as the President may by proclamation appoint and different days may be appointed for the purposes of different provisions of this Act.

PART I

Interpretation. [28 of 1991 13 of 2013].

2. (1) In this Act—

"Appeal Board" means the Tax Appeal Board constituted under section 3 of the Tax Appeal Board Act;

Ch. 4:50.

"Chief Executive Officer" means the person for the time being holding the office of City Clerk or Town Clerk under a Corporation and includes—

(a) any person appointed as such;

(b) any person performing the duties of Chief Executive Officer in accordance with a direction by the President under section 36;

"Commission" means the Statutory Authorities Service Commission established under the Statutory Authorities Act;

Ch. 24:01.

"corporate land" means land belonging to or held in trust for a Corporation;

"corporate office" means any of the offices of—

(a) Mayor or Chairman;

(b) Deputy Mayor or Vice-Chairman;

(c) Alderman;

(d) Councillor,

of a Corporation;

See page 2 under the heading "Note on Commencement Dates".

"Corporation" means the body corporate constituted by the Mayor, Aldermen, Councillors and electors of any of the cities, towns, districts or places to which this Act is applied by or under section 5;

"Corporation Secretary" means the person for the time being holding the office of Corporation Secretary and includes—

(a) any person acting as Corporation Secretary;

(b) any person performing the duties of Corporation Secretary in accordance with a direction by the President under section 36;

"Council" means the Council of a Corporation;

"elect", "elected" or "election" means in relation to—

(a) an Alderman, the selection of an Alderman by a party under section 13;

(b) a Councillor, the election of a Councillor under section 11; and

(c) a Mayor or Deputy Mayor, the election of a Mayor or Deputy Mayor under section 14;

"elector" means any person registered under the Representation of the People Act as an elector for elections for members to serve in a Municipal Council; Ch. 2:01.

"electoral district" means a constituency defined in an Order made under section 4 of the Elections and Boundaries Commission (Local Government) Act, and constituted in the manner prescribed by the Rules set out in the Second Schedule to that Act; Ch. 25:50. Second Shedule.

"Engineer" means the person for the time being holding the office of City Engineer or Town Engineer or Regional Engineer under a Corporation and includes—

(a) an Assistant City Engineer or Assistant Town Engineer or Regional Engineer;

(b) a Town Superintendent;

(c) any person performing the duties of the City Engineer, Town Engineer or Regional Engineer with the authority of the Council; and

(d) any person performing the duties of an officer mentioned in paragraph *(c)* in accordance with a direction of the President under section 36;

"house" includes any dwelling house, warehouse, stable, office, store, manufactory, shop, workshop, shed, or other building used in carrying on any trade or business, and any lands appurtenant to or occupied with the same, and not rated separately;

"Mayor" includes Chairman and "Deputy Mayor" includes Vice-Chairman;

"Minister" means the member of Cabinet to whom responsibility for Local Government has been assigned;

"Municipality" means a place to which this Act is applied by or under section 3 or section 4;

"officer" means, in relation to a Corporation—

(a) the Chief Officers of a Corporation mentioned in section 36; and

(b) every other person appointed to hold or to act in a pensionable office in the service of a Corporation and whose remuneration is paid on a monthly basis;

"owner" means the person in possession of or in receipt of either the whole or any part of the rents or profits of any land or tenement, whether in his own right or as a trustee or personal representative of any other person, or in the occupation of such land or tenement other than as a tenant from year to year, or for any less term, or as a tenant at will;

"premises" includes messuages, buildings, lands, easements, and hereditaments of any tenure;

"reputed owner", in relation to any building or to any vacant lot of land within a Municipality, means the person entered as the owner of such building or of such vacant lot of land in the House Rate Book for the time being in force, or in any register of ownership kept for the Corporation;

"Returning Officer" means the Returning Officer of an electoral district under the Representation of the People Act; Ch. 2:01.

"statutory increase" means any increase, surcharge or percentage added to a rate, a charge, or other sum of money of any other

description payable to a Corporation under this Act or any other written law by reason of the non-payment of such rate, charge or other sum of money at or within the time after the lapse of which such increase, surcharge or percentage is expressed to become payable;

"street" includes any highway, and any public bridge, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not;

"street repairable by a Corporation" means any street which was repairable by a Corporation or any highway which was maintainable at public expense by any other Local Highway Authority immediately prior to the commencement of this Act and includes any street which is classified as such under the Highways Act; Ch. 48:01.

"Treasurer" means the person for the time being holding the office of Treasurer under a Corporation and includes—

(a) any person acting as Treasurer;

(b) any person performing the duties of Treasurer in accordance with a direction by the President under section 36;

"valuation" means the sum fixed by the Assessor as the annual rateable value of any rateable hereditament within the Municipality.

(2) References in this Act to the "day on which the Councillors of a Corporation were elected to office" mean the day or the last day, as the case may be, on which all the Returning Officers for the electoral districts within the Municipality have declared the respective candidates to be elected as Councillors.

Continuation of former Municipal Corporations. First Schedule.

3. The Municipal Corporations established under the provisions of the written laws set out in the First Schedule and known by the corporate names mentioned in that Schedule are continued under this Act.

Establishment of new Municipal Corporations. Second Schedule.

4. The several new Municipal Corporations bearing the names and having the respective officers, memberships and descriptions set forth in the Second Schedule are hereby established.

Application of Act.

5. (1) Subject to subsection (2) and section 6, this Act shall apply to—

(a) the City of Port-of-Spain;

(b) the City of San Fernando;

(c) the Borough of Arima;

(d) the Borough of Point Fortin;

(e) the several Municipal Corporations referred to in section 4; and

(f) such other towns, districts or places to which the provisions of this Act are applied pursuant to subsection (2).

(2) The President may, by Order, subject to affirmative resolution of Parliament, apply the provisions of this Act to any town, district or place for the purpose of incorporating the electors thereof.

Contents of Orders.

6. (1) An Order made under section 5(2) may apply the provisions of this Act generally to the town, district or place mentioned therein or it may provide that the Act shall apply subject to such exceptions or modifications as are specified in the Order.

(2) An Order made under section 5(2) shall—

(a) designate the corporate name by which the new Corporation shall be known;

(b) describe the boundaries of the new Municipality;

(c) specify the number of Councillors and Aldermen to be elected to the Council;

(d) specify the number of members of the Council who may requisition a meeting of the Council under section 62(3);

(e) specify the number of members of the Council who constitute a quorum at meetings of the Council;

(f) specify the number of members of the Council required to be present and to vote for the purposes of section 67(1);

(g) specify the date by which the Council shall submit estimates of income and expenditure pursuant to section 108(1);

(h) specify the number of members of the Council required to be present for the purposes of section 221(2).

Continuation of powers, rights and property of preceding Corporations.

7. (1) All powers, authorities, interests, rights and privileges vested in a Corporation referred to in section 3 and all property real or personal belonging to that Corporation shall continue to be vested in that Corporation as continued by this Act.

(2) All liabilities and obligations of a Corporation referred to in section 3, and all claims against its property, rights and assets are unimpaired by such continuation; and all debts, contracts, liabilities, and duties of the Corporation existing immediately prior to the coming into operation of this Act continue to attach to the Corporation.

Vesting of powers, rights and property in the State. [8 of 1992].

7A. (1) With effect from 1st October, 1991—

(a) all land and other property of every kind, including things in action, vested immediately before that date in a former County Council is vested in the State;

(b) all the rights, privileges and advantages and all the liabilities and obligations that, immediately before that date, a former County Council was entitled or subject to, are transferred and conferred or imposed upon the State.

(2) Every Act giving power or authority to or imposing any duty or liability upon or otherwise relating to a former County Council or providing any forms or proceedings relating to a former County Council, shall, unless the context otherwise requires and so far as applicable, be read and have effect as if in the Act, the State were substituted for a former County Council.

(3) Any reference in any Act, or in any rule, regulation or bye-law made under any Act or in any deed, contract, bond, security,

or other document of whatever kind, public or private, to a former County Council shall, with effect from that date, be deemed to refer to the State.

(4) Legal proceedings pending immediately before 1st October, 1991 by or against a former County Council may be continued on and after that day by or against the State as the party to the proceedings instead of that former County Council.

(5) The President may by Order transfer to any of the several Municipal Corporations referred to in section 4 any of the land and other property and any of the rights, privileges and advantages and any of the liabilities and obligations that by virtue of subsection (1) are vested in the State.

(6) An Order under subsection (5) is subject to a negative resolution of Parliament.

(7) In this section—

"former Act" means the County Councils Act repealed by this Act;

"former Council" means a County Council established under section 4 of the former Act for an area referred to in the former Act as an "electoral area".

(8) For the avoidance of doubt it is declared that nothing in this section shall have the effect of reviving a claim against a former County Council that on 1st October, 1991 was statute-barred.

PART II

CONSTITUTION AND GOVERNMENT OF MUNICIPAL CORPORATIONS

Constitution of Municipal Corporations.

8. (1) The Mayor, Aldermen, Councillors and electors of each of the Municipalities referred to in paragraphs *(a)* to *(e)* of section 5(1) and each town, district, or place to which this Act is applied pursuant to section 5(2), shall be a body corporate bearing the corporate name mentioned in the First and Second Schedules, or in the Order made under section 5(2), as the case may be; and by such name shall have perpetual succession.

First and Second Schedules.

(2) Every Corporation shall have and use a common seal which shall be approved by its Council, and which shall be judicially noticed.

Extent of Municipalities.

9. For the purposes of this Act, every Municipality shall include all the lands, houses and buildings within the boundaries set forth in relation to it in the First and Second Schedules, or in the Order made under section 5(2).

First Schedule. Second Schedule.

Constitution of Council.

10. (1) The powers of a Corporation shall be exercised by its Council and, subject to the provisions of this Act, the Council shall act through its Chief Officers and staff.

(2) The Council shall consist of the Mayor, Aldermen and Councillors.

Councillors representation, term of office and qualification. [28 of 1991 8 of 1992 36 of 1995 13 of 2003 13 of 2013]. Ch. 2:01. Ch. 25:50. Third Schedule.

11. (1) Councillors shall be elected by the electors for each Municipality in the manner provided for in the Representation of the People Act.

(2) The number of Councillors to be elected to the Council of each Corporation shall, subject to the provisions of the Elections and Boundaries Commission (Local Government) Act, be as set out in the Third Schedule, or in any Order made pursuant to section 5(2).

(3) One Councillor shall be returned for each electoral district.

(4) The term of office of Councillors shall be three years, and they shall retire together on the last day of every triennial period, the first of which shall be deemed to have begun on the day on which the Councillors were elected to office.

(4A) An election referred to in subsection (1) shall be held within three months of the expiry of the term of office of the Mayor, Councillors and Aldermen comprising the Council.

(4B) Notwithstanding subsection (4A), for the purposes only of the elections due in the year 1995, under this section, such election shall be held within nine months of the expiry of the terms of office of the Councillors and Aldermen comprising the Council.

(4C) Notwithstanding subsection (4A), for the purposes only of the elections due in the year 2002, under this section, such election shall be held within one year of the expiry of the terms of office of the Councillors and Aldermen comprising the Council.

(5) A Councillor who has been elected to fill a vacancy shall hold office until the time when the person whose vacancy he filled would have gone out of office through effluxion of time.

(6) Subject to subsection (7), a person is qualified to be elected as a Councillor if, and is qualified to continue to be a Councillor if, he—

(a) is a citizen of Trinidad and Tobago;

(b) is qualified to be an elector under section 13 of the Representation of the People Act except that such person is not disqualified to be a candidate by reason only that— Ch. 2:01.

(i) he resides; or

(ii) his qualifying property is situated,

in the electoral area but in an electoral district other than the electoral district for which he seeks to be a candidate;

(c) is able to speak and, unless incapacitated by blindness or other physical cause, to read the English language.

(7) In subsection (6), "electoral area" and "electoral district" have the meanings assigned to those expressions in section 2 of the Elections and Boundaries Commission (Local Government) Act. Ch. 25:50.

(8) A person is disqualified from being a Councillor if he—

(a) is by virtue of his own act under any acknowledgement of allegiance, obedience or adherence to a foreign power or State;

(b) has been adjudged or otherwise declared bankrupt and has not been discharged;

(c) is a mentally ill person within the meaning of the Mental Health Act; Ch. 28:02.

(d) is under sentence of death or is serving a sentence of imprisonment exceeding twelve months imposed on him by a Court of competent jurisdiction in Trinidad and Tobago or substituted by competent authority for some other sentence imposed on him by such a Court or is under such a sentence of imprisonment the execution of which has been suspended;

(e) is disqualified for such election under the Representation of the People Act; Ch. 2:01.

(f) is a member of the Senate, the House of Representatives, the Tobago House of Assembly or another Municipal Council;

(g) holds any office or place of profit, other than Mayor or Deputy Mayor, in the gift or disposal of the Corporation; but a person shall not be disqualified by reason of—

(i) receiving or being entitled to receive payment by way only of travelling or subsistence allowances, or a refund of out-of-pocket expenses;

(ii) his receiving fees as a medical practitioner from the Corporation as the local authority of a sanitary district, fees for the notification of cases of infectious diseases under the Public Health Ordinance or any similar written law; Ch. 12. No. 4 (1950 Ed.).

(h) is debarred from exercising the practice of his profession on account of any act involving dishonesty;

(i) has within five years before the day of the election or since his election been surcharged to an amount exceeding two thousand five hundred dollars under the Exchequer and Audit Act or under Part VI of this Act; Ch. 69:01.

(j) is a person whose name appears on the List of Aldermen under section 12A; and

(k) is a person who is a sitting Alderman having been declared an Alderman by the Elections and Boundaries Commission under section 13.

Number, qualification and term of office of Aldermen. [13 of 2013].

12. (1) Save for the requirement that Councillors be residents or owners of property within a Municipality, Aldermen shall be persons who qualify to be Councillors and who possess demonstrated knowledge, expertise or experience in professional or vocational occupations suitable to the development focus of the Municipality.

Third Schedule.

(2) The number of Aldermen to be elected to the Council of each Corporation shall be as set out in the Third Schedule, or in the Order made pursuant to section 5(2).

Second Schedule.

(2A) Notwithstanding subsection (2), the number of Aldermen to be elected to the Council of each Corporation referred to in the Second Part of the Second Schedule shall be four in number.

(3) In the case of a Municipal Corporation other than a City or Borough, at least one Alderman shall be elected from qualified persons who are members of a Village or Community Council functioning within the Municipality.

(4) A person who stands for election as a Councillor under section 11 shall not stand for election as an Alderman under section 13.

(4A) A person who is a sitting Councillor having been elected Councillor shall not be elected as an Alderman.

(5) The term of office of Aldermen shall be three years and they shall retire together on the last day of every triennial period, the first of which shall be deemed to have begun on the day on which the Councillors were elected to office.

(6) An Alderman who is elected to fill a vacancy shall hold office until the time when the Alderman whose vacant seat he filled would have gone out of office through effluxion of time.

List of Aldermen. [13 of 2013].

12A. (1) Parties fielding candidates in an election under section 11 for a Municipality or Corporation shall, at the time of

nomination of the candidates for Councillors, nominate candidates for Aldermen on a list to be known as the "List of Aldermen".

(2) The quantum of names on the List of Aldermen to be submitted by each party in accordance with the provisions of this section shall be equal in number to the number of Councillors to be elected in each Council respectively.

(3) Where, during the life of a Council, a person on a List of Aldermen of a party becomes disqualified from serving or is unable for any reason to serve as an Alderman, the relevant party may submit to the Elections and Boundaries Commission the name of a substitute Alderman.

Definition of party. [13 of 2013]. Ch. 2:01.

12B. For the purposes of section 12A and section 13, the word "party" includes an independent candidate referred to in rule 23(1) of the Election Rules, made under the Representation of the People Act.

Method of election of Aldermen. [13 of 2013].

13. (1) Upon the election of Councillors under section 11, the Elections and Boundaries Commission shall, in accordance with subsection (2), allocate the number of Aldermen for each party contesting such election.

(2) The Elections and Boundaries Commission shall allocate the number of Aldermen for each party contesting such election as follows:

(a) a quota of votes per seat shall first be determined by dividing the total number of valid votes cast at an election under section 11 by the number of seats in each Council designated for Aldermen; and

(b) the number of Aldermen to be awarded to a party shall then be determined by dividing the total number of valid votes cast in an election under section 11 in favour of such party by the quota of votes per seat determined in paragraph *(a)*.

(3) Where the final number calculated for each party under subsection (2)*(b)* results in a whole number and a fraction or only a fraction, the fraction shall not be considered in determining the number of seats to be allocated.

(4) Where the result of a calculation under subsection (2) yields no seats for Aldermen, to any party, the allocation of Aldermen by the Elections and Boundaries Commission shall be in descending order beginning with the party with the highest number of votes obtained in the election under section 11 until all seats have been allocated.

(5) Where the result of the calculation under subsection (2)*(b)* yields a remainder of vacant seats not absorbed by the number of Aldermen awarded to a party or parties concerned, the surplus calculated under subsection (6) for a party competes with other similar surpluses accruing to any other party or parties, and any vacant positions for an Alderman or Aldermen not allocated under subsection (2)*(b)*, shall be allocated to the party or parties concerned in sequence of the highest surplus until all vacant positions of Aldermen have been so allocated unless the party or parties concerned yielded no allocation of Alderman under subsection (2)*(b)*.

(6) In computing the surplus of a party for the purposes of subsection (5), first multiply the quota by the number of seats allocated to each party under subsection (2) and then minus that figure from the total number of valid votes received by each party in the election.

(7) The method of allocation of the number of Aldermen provided for under subsections (2), (5) and (6) shall be as provided for in the example set out in the Eleventh Schedule.

Eleventh Schedule.

(8) Where the counting of the votes has been concluded and—

(a) the election result for the Councillors under section 11 has been declared; and

(b) the Elections and Boundaries Commission has determined the number of Aldermen for each party,

the Elections and Boundaries Commission shall, not later than four days after the election referred to in section 11, inform the relevant parties of the number of Aldermen which they have been allotted.

(9) Notwithstanding subsections (1) to (7), where only one candidate stands validly nominated under rule 15(2) and (3) of the Election Rules made under the Representation of the People Act, the Elections and Boundaries Commission shall allocate four Aldermen to the party which fielded the candidate and the party thereafter shall notify the Elections and Boundaries Commission of the names of the Aldermen from its List of Aldermen. Ch. 2:01.

(10) Within four days of being informed by the Elections and Boundaries Commission of the number of Aldermen each party has been allotted, the respective parties shall inform the Elections and Boundaries Commission of the names of the persons drawn from their respective Lists of Aldermen whom they wish to sit as the Aldermen of the Municipalities or Corporations.

(11) Where the parties under subsection (10) inform the Elections and Boundaries Commission of the Aldermen from its List of Aldermen, the Elections and Boundaries Commission shall declare such persons to be Aldermen in the Council and that declaration shall constitute their appointment.

(12) Where at any time after the election of Aldermen under this section a vacancy occurs in the office of Alderman, the Council shall, within thirty days of the occurrence of the vacancy, inform the Elections and Boundaries Commission of the vacancy.

(13) A party shall, where a vacancy occurs under subsection (12) in respect of an Alderman relative to the party, inform the Elections and Boundaries Commission of the name of a substitute Alderman from the remaining names on the List of Aldermen of the party to fill the vacancy.

(14) Where, for the purpose of subsection (13), in respect of a Municipality, there are no more names available on the relevant List of Aldermen, the Council shall, at the next

meeting after the vacancy arises, elect an Alderman or such Aldermen, and such persons shall be persons who qualify to be Councillors and who possess demonstrated knowledge, expertise or experience in professional or vocational occupations suitable to the development focus of the Municipality.

(15) Where, for the purpose of subsection (13), in respect of a Municipal Corporation, other than a City or Borough Corporation, there are no more names available on the relevant List of Aldermen, the Council shall at the next meeting of the Municipal Corporation, elect an Alderman or such Aldermen, and such persons shall be persons who qualify to be Councillors and who are members of a Village or Community Council functioning within the Municipality.

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(16) Rule 23 of the Election Rules, made under the Representation of the People Act, shall not apply to the List of Aldermen as it applies to the election of Councillors.

(17) Notwithstanding subsection (15), where parties are assigned symbols under rule 23(2) of the Election Rules, such symbols shall be applied to the List of Aldermen of the respective parties.

Requirements for first meeting of Council. [13 of 2013].

13A. At the first meeting of the Council the business which shall be transacted shall be—

(a) firstly, the production to the Chief Executive Officer of the copy of the declaration of his election as a Councillor delivered to him by the Returning Officer in accordance with the Election Rules made under the Representation of People Act; and

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(b) secondly, the taking of the oath of office by those Councillors who have made and subscribed the declaration of acceptance of office and are in attendance at the meeting.

Oath of Aldermen. [13 of 2013].

13B. Upon the Elections and Boundaries Commission declaring the election of persons as Aldermen under section 13(11), such persons shall take the oath of office and subscribe the declaration of acceptance of office.

Election of Mayor and Deputy Mayor. [13 of 2013].

14. (1) The Mayor and Deputy Mayor of a Corporation shall be elected from among the Aldermen and the Councillors of that Corporation.

(2) The election of the Mayor and the Deputy Mayor of a Corporation shall be held at a meeting of the Council convened for that purpose four days after the declaration by the Elections and Boundaries Commission of the election of Aldermen and, save for the taking of the oath of office by any Aldermen elected under section 13 and by any newly elected Councillors who have not done so previously, no business other than the election of the Mayor and the Deputy Mayor and the appointment of the Standing and other Committees of the Council shall be transacted on that day.

(3) The election of the Mayor and of the Deputy Mayor shall be by motion duly seconded and shall be presided over by a Councillor or an Alderman who is not a candidate for the office of Mayor or Deputy Mayor.

Term of office and honorarium of Mayor. [8 of 1992].

15. (1) The Mayor shall hold office for a term which shall be the same as that of the Councillors and Aldermen.

(2) Unless the Mayor resigns or ceases to be qualified or becomes disqualified or is removed from office in accordance with this Act, he shall continue in office until his successor in office has accepted office and has made and subscribed the appropriate declaration.

Removal of Mayor as Chairman.

16. A Mayor shall be removed as Chairman of a Council upon the resolution passed by the Council and supported by the votes of not less than three-fourths of all the members of the Council.

Honoraria and allowances.

17. (1) The Mayor, Aldermen and Councillors shall receive such honoraria as may be prescribed out of the ordinary revenues of the Corporation in equal monthly instalments at the end of each month.

(2) The Mayor, Aldermen and Councillors of a Corporation shall be paid out of the ordinary revenues of the Corporation such allowance as may be prescribed.

Convenor.

(3) The Chairman-Convenor of a committee of the Council of a Corporation shall be paid out of the ordinary revenues of the Corporation such allowance as may be prescribed in respect of the performance of his duties as such.

Regulations prescribing allowances payable to holders of corporate office.

18. The President may, subject to negative resolution of Parliament, make Regulations for the purposes of section 17.

Transitional holders of corporate office to continue to hold office until election.

19. (1) Each Alderman or Councillor elected before and holding office in a Corporation at the commencement of this Act shall, so long as he continues to be qualified to hold such office under this Act, hold office in that Corporation until the date when he would have ceased to hold office if this Act had not been passed.

(2) Each Mayor or Deputy Mayor, elected before and holding office in a Corporation at the commencement of this Act shall continue to hold the respective office in that Corporation until the date when he would have ceased to hold such office if this Act had not been passed.

Mayor and Deputy Mayor to be Justices of the Peace. [8 of 1992].

20. The Mayor and Deputy Mayor of a Corporation shall by virtue of their offices be Justices of the Peace for the Municipality and shall, unless disqualified for re-election to their respective offices, continue to be Justices of the Peace during the year next after they cease to be Mayor and Deputy Mayor respectively.

Deputy Mayor to act for Mayor.

21. (1) The Deputy Mayor of a Corporation shall hold office during the term of office of the Mayor, and, in case of absence or illness of the Mayor, shall have authority to exercise all the powers and discharge all the duties vested in and imposed upon the Mayor under and by virtue of this Act; and all things done,

exercised, or suffered by the Deputy Mayor as aforesaid shall be as valid and effectual in all respects as if they had been done, exercised, or suffered by the Mayor.

(2) Whenever the Deputy Mayor discharges the duties of the Mayor for seven consecutive days or more, he shall, during that period, be entitled to be paid the honorarium and the allowances relating to the office of Mayor.

(3) Notwithstanding subsection (2), there shall be no abatement of the honorarium and allowances payable to the Mayor during his absence from office where such absence does not exceed a period of thirty days in the aggregate during any term of one year.

(4) In the event of the death, resignation, removal or disqualification of the Mayor for any cause, the Deputy Mayor shall forthwith succeed to the office of Mayor, and shall continue in such office until the date when the Mayor would have gone out of office by effluxion of time.

(5) In the event of the Deputy Mayor succeeding to the office of Mayor under subsection (4) or, in the event of the death, resignation or disqualification of the Deputy Mayor for any cause, the Council may appoint to the office of Deputy Mayor an Alderman or Councillor who shall hold such office until the date when the Deputy Mayor whom he succeeded would have gone out of office by effluxion of time.

(6) If the Mayor is dead or absent or otherwise incapable of acting in the exercise of his powers and duties under this Act or any other written law, and the Deputy Mayor is also incapable of acting for any of the reasons herein before specified, the Council shall forthwith elect an Alderman or Councillor to exercise those powers and duties in place of the Mayor for such term not exceeding the period after which the Mayor would have gone out of office by effluxion of time, as the Council may, by resolution, determine.

Penalty refusing to accept office.

22. (1) Every qualified person elected to a corporate office, unless exempt under this section or otherwise by law, either shall accept the office by making and subscribing the declaration required by this Act within five days after notice of election, or shall, in lieu thereof, be liable to pay to the Corporation to which he has been elected, a fine of four thousand dollars.

(2) The persons exempt under this section are:

(a) any person who is mentally ill within the meaning of the Mental Health Act or who is deaf, blind or suffering from some other permanent infirmity of body; and

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(b) any person who, being above the age of sixty-five years, before the day of his election, either served in a corporate office or paid a fine for non-acceptance thereof, or having served in a corporate office or in different corporate offices for an aggregate period of six years, claims exemption within five days after notice of his election.

Recovery of fine.

23. A fine payable to a Corporation under section 22 is recoverable as a civil debt.

Declaration of acceptance of office.

24. (1) A person elected to a corporate office shall not act in that office until he makes a declaration before two members of the Council or the Chief Executive Officer in the form set out in the Fourth Schedule.

Fourth Schedule.

(2) The Council may, by resolution, require any person holding a corporate office under the Corporation to make a declaration in the form in the Fourth Schedule that he continues to be qualified to be a Councillor of the Corporation but no person shall be required to make such a declaration unless a period of at least six months has elapsed since his election as a Councillor or Alderman or since his last declaration under this section.

Fine on resignation.

25. (1) A person elected to a corporate office may, at any time by writing signed by him and delivered to the Chief Executive Officer, resign the office on payment of the fine provided for non-acceptance of office.

(2) Where a person resigns from a corporate office other than the office of Mayor, the Council shall forthwith declare the office vacant.

(3) Notice of the vacancy, signed by two members of the Council and countersigned by the Chief Executive Officer, shall be affixed in some conspicuous place near the outer door of the Municipal Office and the Chief Executive Officer shall forthwith send to the Minister a copy of the notice.

(4) In any case where the Council by resolution carried by not less than a three-fourths majority of the members present at a meeting attended by not less than two-thirds of the whole Council grants permission to the holder of a corporate office to resign—

(a) on the grounds of ill health; or

(b) because his residence or business is such a distance from the Municipal Office of the Corporation that it would be difficult to attend meetings of the Council,

the person resigning is not liable to pay a fine nor is he so liable where he previously served in a corporate office for six years and any period of such service falls within five years of the date of such resignation.

Eligibility.

26. Subject to this Act, a person who has ceased to hold corporate office shall, unless disqualified from holding the office, continue to be eligible to hold corporate office.

Vacation of corporate office.

Fourth Schedule.

27. (1) Where a person elected to a corporate office—

(a) refuses or neglects to make the declaration set out in the Fourth Schedule;

(b) is away from Trinidad and Tobago for a period in excess of thirty consecutive days without the leave of the Council;

(c) is absent from three consecutive meetings of the Council without leave of the Council;

(d) is not in Trinidad and Tobago at the date of his election and fails to return to Trinidad and Tobago within three months of such election;

(e) dies or, by writing under his hand, addressed to the Mayor of the Council of which he is a member, resigns his seat on the Council;

(f) ceases to possess any of the qualifications set out in section 11(6) or becomes disqualified for being a Councillor for any of the reasons set out in section 11(8),

his office is thereby rendered vacant.

(2) Where a person elected to a corporate office becomes disqualified for holding such office, the Council shall forthwith declare the office vacant.

(3) Notice of the vacancy, signed by two members of the Council and countersigned by the Chief Executive Officer, shall be affixed in some conspicuous place near the outer door of the Municipal Office.

Fourth Schedule.

(4) A person who becomes disqualified by reason of refusal or neglect to make the declaration set out in the Fourth Schedule or by absence, having made such declaration, is liable to the same fine as for non-acceptance of office; but disqualification because of absence shall, as regards subsequent elections, cease on his return.

(5) A person who becomes disqualified because of being away from Trinidad and Tobago at the time of his election and failing to return within the time specified in subsection (1)*(d)* is not liable to the penalty mentioned in section 22 and shall, as regards subsequent elections, cease to be disqualified on his return.

Person elected to corporate office may declare that he is not qualified.

28. (1) Where a person elected to a corporate office declares on oath before the Mayor of the Corporation that he is not qualified to make the declaration of acceptance of office set out in the Fourth Schedule or, having made such a declaration of acceptance of office, declares on oath that he has ceased to be qualified to hold such office, the Council shall forthwith declare his office to be vacant.

(2) Notice of the vacancy, signed by two members of the Council and countersigned by the Chief Executive Officer shall be affixed in some conspicuous place near the outer door of the Municipal Office.

Issue of writ for election.

29. On being satisfied that the seat of a Councillor has become vacant, the President shall issue a writ addressed to the Returning Officer of the appropriate electoral district for the election (hereinafter referred to as a "bye-election") of a new Councillor.

New election in certain cases.

30. Where need arises for the election of any person to any corporate office other than that of Councillor and there is no provision in this Act for holding another election, the Council may order a new election to be held and may give such directions as may be necessary for holding the election.

Penalty.

Fourth Schedule.

31. (1) Where a person acts in a corporate office without making the declaration of acceptance of office set out in the Fourth Schedule or without being qualified at the time of making the declaration or after becoming disqualified, he is guilty of an offence and liable for each such offence on conviction on indictment to a fine of four thousand dollars.

(2) A person who is registered as an elector is not guilty under this section on the ground only that he was not entitled to be enrolled therein.

Validity of acts of corporate officer notwithstanding disqualification.

32. Acts done in the exercise of the powers and duties attaching to the holder of a corporate office by a person holding and acting in such office shall be valid notwithstanding that person's disqualification.

Validity of election notwithstanding want of qualification of returning officer.

33. The election of a person to a corporate office shall not be questioned on the ground only of a defect in the title or want of title of the person who presided at the election if that person was at the time of the election holding or acting in the office giving him the right to preside at the election.

Officers of a Corporation.

34. Every Corporation shall have a staff of Chief Officers, a Chief Public Health Inspector and such other officers and employees as are necessary for the efficient discharge of the functions of the Council under this or any other written law.

Appointment of Officers.
Ch. 24:01.
[8 of 1992].

First Schedule

Ch. 1:01 (Sub. Leg).

Second Schedule.

35. The Statutory Authorities' Service Commission established under the Statutory Authorities Act shall appoint, remove, transfer and exercise disciplinary control over the officers of the Corporations mentioned in the First Schedule, and the Public Service Commission established under section 120 of the Constitution shall appoint, remove, transfer and exercise disciplinary control over the officers of the Corporations mentioned in the Second Schedule.

Chief Officers.

36. (1) The Chief Officers of a Corporation shall be—

(a) the Chief Executive Officer;

(b) the Corporation Secretary;

(c) the Treasurer;

(d) the Engineer;

(e) the Medical Officer of Health.

(2) The President may, by Notice in the *Gazette* direct that in relation to a particular Corporation—

(a) the duties of one or more of the Chief Officers or other persons may be performed by such other Chief Officer or other persons, as the case may be, as he designates in the Notice and, in such a case, all the provisions of this Act relating to the first-mentioned Chief Officer or other persons;

(b) the staff of the Corporation shall not include such Chief Officer as he designates in the Notice and in such a case the provision of this Act relating to such designated Chief Officer shall not apply to that Corporation.

(3) The Chief Officers shall perform, in addition to the functions hereinafter described, such other functions as are incidental or related thereto.

Vacancy in office of Chief Officer.

37. (1) A vacancy in the office of a Chief Officer shall be reported forthwith to the Commission.

(2) A vacancy in any office held by a Chief Officer shall be filled within three months after its occurrence, failing which, the failure to fill the vacancy shall forthwith be reported to the President by the Mayor.

Functions of the Chief Executive Officer.

38. The Chief Executive Officer is the chief administrative officer and chief accounting officer of a Corporation and he shall—

(a) attend all meetings of the Council and any meetings of its committees as he may be required by the Council to attend;

(b) see that the business of the Corporation is carried out in accordance with the Bye-laws, Regulations and resolutions of the Council and be responsible for the correspondence of the Council and conduct such negotiations on behalf of the Corporation as the Council may require;

(c) be responsible for and supervise all sales carried out by the Corporation for the recovery of any rates or charges due to the Corporation;

(d) see that the terms and conditions of appointment of the officers of the Corporation are carried out, that decisions of the Council relating to their work or conduct are conveyed to them, and that the duties of such officers are duly performed;

(e) be responsible for the administration and co-ordination of the work of the several departments of the Corporation on ordinary questions concerning their duties and obligations arising therefrom;

(f) not later than the 31st March in each year, submit to the Mayor for the information of the Council a full and accurate report on the entire administration of the Corporation for the period ending the 31st December in the preceding year,

including a summary of the general state and condition of the Corporation, together with such observations and recommendations as he thinks expedient or necessary.

Functions of the Corporation Secretary. [8 of 1992].

39. The Corporation Secretary shall—

(a) have the charge and custody of and be responsible for the seal, charters, deeds, records and documents of the Corporation which shall be kept as the Council may direct;

(b) attend all meetings of the Council and be responsible for the provision of secretarial services to all meetings of the Council and its committees and for drawing up the Minutes and reports of their proceedings, and the printing, binding and indexing thereof;

(c) be responsible for the agenda papers of all meetings of the Council and its committees, and for the issue of notices in connection therewith;

(d) provide guidance to the Council, its officers and employees in relation to the affairs of the Corporation.

Functions of the Treasurer.

40. The Treasurer shall be the principal financial officer of the Corporation and shall—

(a) be primarily charged with all matters of finance and accounts of the Corporation and for such purpose shall, in such books as may be necessary, record and keep true and proper accounts of all moneys received and receivable and paid and payable on behalf of the Corporation for the correctness of which he shall be responsible;

(b) attend all meetings of the Finance Committee and such other meetings as he may be required to attend by the Council;

(c) be responsible for the raising of all loans, the issuing of bonds, the opening and closing of all

accounts, the preparation of the annual accounts and balance sheet and such monthly or other statements as may be desirable or as he may be directed to prepare by the Council;

(d) subject to the Bye-laws and Regulations of the Council and the approval of the Finance Committee, ensure that proper records are kept of all stores;

(e) be responsible for establishing and maintaining a proper and adequate system of accounting in such a way that the assets and liabilities of the Corporation are properly recorded and that the cost of any particular service may be easily ascertained and also to ensure the effective financial control of the funds and affairs of the Corporation and for the balancing of all accounts and for the safe keeping of all records of his department;

(f) from time to time, carry out departmental inspections of all transactions of the Corporation and shall immediately bring to the notice of the Chief Executive Officer, for the information of the Council, any error or discrepancy apparent in the books of the Corporation;

(g) whenever required, submit to the Finance Committee a trial balance sheet and such other financial reports and statements as may be necessary for their information and shall, not later than the last day of February in every year, submit to the Finance Committee a report and balance sheet showing the complete and accurate financial position of the Corporation for the period ended the 31st December of the preceding year;

(h) not later than the last day of July in each year, prepare and submit to the Finance Committee, a full and proper estimate of the income receivable and the expenditure to be incurred during the financial year commencing on the 1st January next following;

(i) at the request in writing of any member of the Council, submit for inspection of such member any book of account or record of the Corporation;

(j) keep true accounts of all moneys received and receivable and paid and payable by the Mayor for any charitable purpose of which the Mayor or the Corporation may assume the charge.

Functions of the Engineer. [8 of 1992].

41. The Engineer shall be the principal engineer and survey officer of the Corporation, and he shall—

(a) be primarily charged with all survey, construction and engineering works within the jurisdiction or under the authority of the Corporation and with ensuring that the public comply with the requirements of the Bye-laws and Regulations of the Corporation and any other written laws in respect of such matters and for such purposes shall make, prepare, require and keep true and proper specifications, plans and sections, estimates, reports and other appropriate documents and records relating to all such works;

(b) attend all meetings of the committee in charge of physical infrastructure and such other meetings as he may be required to attend by the Council;

(c) be responsible for the proper maintenance and upkeep of the Corporation's buildings, plant and equipment;

(d) as soon as practicable after the first day of January in every year, submit to the Chief Executive Officer and Treasurer, a full and accurate report on the various buildings, roads, and other engineering installations and works of the Corporation and of the state and conditions thereof and of the work of his department for the period ended the 31st December in the preceding year, together with such recommendations as he may consider expedient or necessary;

(e) not later than the 30th June in each year, prepare and submit to the Chief Executive Officer and Treasurer a full and proper estimate of the income receivable and the expenditure to be incurred by his department during the financial year commencing on the 1st January next following.

Functions of the Medical Officer of Health.

42. The Medical Officer of Health shall be the principal medical and health officer of the Corporation and he shall—

(a) be primarily charged with the duties imposed upon the Corporation by the Public Health Ordinance, and with all Bye-laws and Regulations relating to the general health and sanitation of the Municipality and with the enforcement thereof and shall cause to be made and kept such reports, records and vital and other statistics as may be necessary to keep the Council informed of the true state and condition thereof; Ch. 12. No. 4. (1950 Ed.).

(b) attend all meetings of the Council in its capacity as a Local Authority within the meaning of section 12 of the Public Health Ordinance and such other meetings as he may be required by the Council to attend; Ch. 12. No. 4. (1950 Ed.).

(c) as soon as practicable after the 1st January in every year, submit to the Chief Executive Officer for the information of the Council a full and accurate report on the general state of health and sanitation of the Municipality, including the institutions under his supervision or control, and of the vital and other statistics pertaining thereto and of the work of his department for the period ending 31st December in the preceding year together with such recommendations as he may consider expedient or necessary;

(d) not later than the 30th June in each year, prepare and submit to the Treasurer a full and proper estimate of the income receivable and the

expenditure to be incurred by his department during the financial year commencing on the 1st January next following.

The Chief Public Health Inspector.

43. The Chief Public Health Inspector shall be directly responsible to any Medical Officer of Health on the Corporation's establishment and, where there is no such Medical Officer of Health, he shall be directly responsible to the Chief Executive Officer.

Accountability of officers.

44. (1) Every officer appointed to the staff of a Corporation shall at such times during the continuance of his office or within three months after his ceasing to hold it, and in such manner as the Council directs, deliver to the Council or as it may direct, a true account in writing, of all property, money and other matters committed to his charge, and of his receipts and payments, with vouchers supporting the entries therein, together with a list of persons from or to whom money is due in connection with his office, showing the amount due from or to each.

(2) Every such officer shall pay all moneys due from him to the Treasurer.

(3) If any such officer—

(a) refuses or wilfully neglects to deliver any account or list which he ought to deliver or any voucher relating thereto or to make any payment which he ought to make; or

(b) refuses or wilfully neglects to deliver to the Council, or as it may direct, any book or document which he ought so to deliver, or to give satisfaction respecting it to the Council, or as it may direct, within three days after a notice in writing signed by the Chief Executive Officer or by two members of the Council and the Mayor and requiring him to do so has been served on him personally or left at his last known place of abode,

a Magistrate or Justice shall, upon complaint made on behalf of the Corporation by any person authorised in writing by it, issue a warrant under his hand to bring such officer before a Magistrate, and upon the officer appearing, or not being found, the Magistrate may hear and determine the matter in a summary manner.

(4) If it appears to the Magistrate that any sums of money are due by such officer to the Corporation, and the officer does not forthwith, or within such time as the Magistrate might allow, pay over the same to the Corporation, the Magistrate shall cause such sums to be levied by distress and sale of the goods of the officer.

(5) If—

(a) sufficient goods are not found to satisfy the moneys mentioned in subsection (4) and the charges of the distress; or

(b) it appears to the Magistrate that the officer has been guilty of any neglect or refusal as specified in subsection (3),

the Magistrate shall commit the officer to prison, there to remain without bail until he has paid to, or compounded with, the Corporation for any moneys found to be due as aforesaid, or until he has purged himself of the neglect or refusal above-mentioned.

(6) No person committed to prison for want of sufficient distress only shall be detained there for a period longer than three months.

(7) Nothing in this section affects any remedy by action against any such officer, except that the officer shall not be both sued by action and proceeded against summarily for the same cause.

Employees other than officers of the Corporation.

45. (1) Subject to this Act, a Council shall fix an establishment for every department, which establishment shall be submitted in each year along with the estimates to the Minister, who may make such amendments thereto as he considers expedient.

Ch. 88:01.

(2) Subject to section 2(5) of the Industrial Relations Act, a Council shall be responsible for the appointment, discipline, suspension and dismissal of its employees not being officers of the Corporation as defined in section 2 of this Act.

Council to consult appropriate organisation. Ch. 88:01.

46. It is the duty of a Council to consult with the recognised majority union as certified by the Registration Recognition and Certification Board established under the Industrial Relations Act with a view to the conclusion between the Council and that union of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for—

(a) the settlement by negotiation of terms and conditions of employment of persons other than officers employed by the Council;

(b) the promotion and encouragement of measures affecting the safety, health and welfare of such persons employed by the Council; and

(c) the discussion of other matters bearing on efficiency in the operation of the services provided by the Council.

Appointment of bailiff.

47. (1) The Council may appoint or hire a fit and proper person to be the bailiff of the Corporation.

(2) A person appointed under this section shall take an oath before the Mayor to discharge the duties of bailiff faithfully and shall give security for such discharge as the Council may consider proper.

(3) Subject to the approval of the Council, the bailiff may in writing under his hand appoint such number of assistants as he considers necessary.

PART III

MUNICIPAL POLICE SERVICE

Municipal Police Service. [8 of 1992].

48. (1) There shall be established for each Municipality a Municipal Police Service for service in connection with the duties of the Corporation and the Commission may in consultation with the Commissioner of Police appoint for that purpose a sufficient number of commissioned officers, subordinate police officers and constables.

(2) In this section—

"commissioned officer" includes an officer of the rank of superintendent, assistant superintendent and inspector of a Municipal Police Service;

"subordinate police officer" means a Municipal Police Officer of the rank of sergeant or corporal.

(3) Every person who immediately before the commencement of this Act held or was acting in office as a Corporation policeman for a Corporation shall, as from the commencement of this Act, continue to hold or act in the like office as a Municipal Police Officer in the Service established for the Corporation hereby continued by this Act on the same terms and conditions enjoyed prior to the coming into force of this Act.

(4) Except where expressly applied thereto by Order of the President, this Part does not apply to any Corporation mentioned in the Second Part of the Second Schedule. Second Schedule.

49. The President may issue arms and ammunitions to a Municipal Police Service and any member thereof may carry and use the same for lawful purposes. President may issue arms to Service. [8 of 1992].

50. Every member of a Municipal Police Service shall be precepted by the Commissioner of Police. Precept by Commissioner of Police. [8 of 1992].

51. The Commissioner of Police may, on the advice of the Commission, permit persons appointed to be Municipal Police Officers under section 48 to wear the badges of the ranks and uniforms similar to those worn by members of the respective ranks in the Police Service. Badges and uniforms.

52. The Commissioner of Police may at any time command any Municipal Police Officer to perform and discharge within the Municipality for which his Service was established such duties as members of the Police Service may be required to perform and discharge. Authority of Police Commissioner. [8 of 1992].

General powers and immunities of Municipal Police Officers. [8 of 1992].

53. Every member of a Municipal Police Service, in addition to the special powers vested in him under this Act, has in respect of the whole of Trinidad and Tobago all the powers, privileges and immunities conferred on a constable by the Common Law, and also all the powers, privileges, immunities and liabilities conferred or imposed on a constable or on a First Division or Second Division police officer of corresponding rank by the Police Service Act and every act done by or to any member of a Municipal Police Service in the execution of his duty has the same effect and is attended with the same liabilities and other consequences and is punishable in the same manner as if done by or to a member of the Police Service in the execution of his duty.

Ch. 15:01.

Offenders may be arrested without warrant.

54. (1) A Municipal Police Officer may arrest without warrant all persons whose names and addresses are unknown to him and who refuse to give their names and addresses to him and are found by him committing within the Municipality in which he serves any offence against this Act or against any Bye-laws or Regulations made under this Act.

(2) Subject to subsection (3), a person so arrested may be taken to a police station within the Municipality and the police officer on duty at such station shall, on receiving a warrant signed by the Municipal Police Officer who made the arrest and purporting to show that the person arrested was liable to arrest under this Act, detain the person at the station until he can be conveniently taken before some Magistrate or Justice to be dealt with according to law.

(3) A person arrested under this section may not be detained longer than is reasonably necessary for bringing him before a Magistrate or in any case for more than forty-eight hours and no action shall lie against any Municipal Police Officer or police officer on duty for anything done by him under a warrant to this section.

Fifth Schedule.

(4) The warrant mentioned in this section shall be in the form set out in the Fifth Schedule.

Power to bail.

55. (1) Where any person who has been arrested without a warrant by a Municipal Police Officer under section 54 and has been brought to a police station within the Municipality in which the police officer serves at any time by day or night at which a Magistrate is not actually sitting for the public administration of justice at the place used for that purpose in the Municipality, the police officer on duty at such station may, unless he has good and sufficient reason to do otherwise (which reason shall be recorded in the Station Diary), admit that person to bail by recognisance without sureties for an amount not exceeding two thousand dollars to appear before a Magistrate at a time and place specified in the recognisance.

(2) The police officer on duty shall enter in a book kept for that purpose the name, residence, and occupation of the person entering into the recognisance and of his sureties, if any, with the condition of the recognisance and the sums acknowledged and the book shall be laid before the Magistrate present at the time when and place where the recognisor is required to appear.

(3) Where the recognisor does not appear at the place and time required or within one hour afterwards, the Magistrate may, by endorsement on such recognisance, declare the same to be forfeited and may issue a warrant for the imprisonment of the recognisor and his sureties or surety, if any, for any term not exceeding six months unless the amount mentioned in the recognisance is paid.

(4) Whether the recognisor does or does not appear, the Magistrate may, if he thinks fit, enlarge the recognisance to such further time as he appoints.

Municipal Police Officers may lay information and conduct proceedings.

56. Information and complaints in respect of any offences committed within a Municipality against the provisions of this Act or of any Bye-laws, Rules or Regulations made by the Corporation under this Act or any other written law, may be laid and made by any Municipal Police Officer appointed for that Corporation in his own name, and such Police Officer may also conduct the proceedings before the Magistrate in all cases in which he is the complainant under the powers conferred by this section.

Sale of stolen or abandoned property. [8 of 1992].

57. (1) Where any personal property of any kind is in the possession of a Council of a Municipality or a member of the Municipal Police Service in connection with a charge of an offence under this Act or any Act administered by the Council or any Bye-laws of the Corporation or by reason of having been found abandoned in a public place and the Council or the commissioned officer is unable to ascertain its owner, the Council may cause it to be sold or otherwise disposed of as provided below and, subject to subsection (3), may retain to its own use the proceeds of such sale or disposition.

(2) Where such property is perishable or its custody involves unreasonable expense or inconvenience, the sale or disposition of it may be made at any time without notice of any kind and, with respect to other cases, the Council may in the case of property other than motor vehicles, sell the same after the expiration of three months from the time it came into possession of the Council or member of the Municipal Police Service.

(3) Where the property consists of money, it shall be dealt with in all respects as is provided above with regard to the proceeds of sales hereby authorised after it has remained in the possession of the Council for three months and has been advertised for ten days.

Certain Municipal Police Officers to be Justices.

58. (1) Every Municipal Police Officer of the rank of Inspector or above shall *ex officio* be a Justice of the Peace in and for the whole of Trinidad and Tobago and shall take the oath as such Justice.

(2) As a Justice every such Municipal Police Officer shall at all times act ministerially for the purposes of the preservation of the peace, the prevention of crime and the detection and committal of offenders, and for carrying out the other objects of this Act but he shall not in any way act judicially as a Justice, either in any Court or in any other manner, except when specially appointed so to act.

Policing beyond boundaries of Municipality.

59. A Corporation having an interest in a building or area beyond the boundaries of the Municipality may undertake and agree to pay the whole or part of the cost of policing such building or area.

Regulations for Municipal Police Service. [8 of 1992].

60. The Commission may make Regulations providing for the classification of officers in a Municipal Police Service, including qualifications, duties and remuneration and providing generally for the discipline, good order and government of the Municipal Police Services and until such Regulations are made hereunder, Regulations made under the Police Service Act, insofar as the Commission deems them applicable to any matter concerning Municipal Police Services or Municipal Police Officers, shall apply *mutatis mutandis*.

Ch. 15:01.

Duty allowance. [4 of 2014].

*__60A__. Notwithstanding section 60 and any other written law, the President may, by Order grant a duty allowance to Municipal Police Officers.

Regulations respecting arms. [8 of 1992].

61. The President may make Regulations respecting the description and issue of arms, ammunition, accoutrements, uniform and necessaries to be supplied to the Municipal Police Services.

PART IV

MEETINGS AND PROCEEDINGS OF THE COUNCIL OF A CORPORATION

Meetings.

62. (1) Every Council shall hold meetings at least once a month or within such period as the Minister may approve at such times and on such days as the Council may from time to time determine.

(2) The Mayor of a Corporation may at any time convene a special meeting of the Council.

(3) Where the Mayor neglects or refuses to call a meeting within seven days of receiving a written request therefor signed by not less than one-third of the members of a Council, any of the signatories to the request may thereupon call the meeting.

Notice of meeting.

63. (1) The Corporation Secretary shall give each member of the Council two clear days written notice of any monthly or other periodic statutory meeting approved by the Minister under section 62(1) and such notice shall specify the business to be transacted at the meeting.

*This section took effect from 1st October 2010.

(2) At least twenty-four hours written notice shall be given to members by the Corporation Secretary in the case of a special meeting called by the Mayor or by a signatory to the request for such a meeting in the case of a special meeting called under section 62(3).

Ch. 3:01.

(3) Subject to section 36(1)*(c)* of the Interpretation Act, want of service of written notice on any member of the Council shall not affect the validity of a meeting.

(4) Except by leave of the Council, no business shall be transacted at a meeting other than that specified in the notice relating thereto.

Chairman of meetings.

64. The Mayor shall be *ex officio* Chairman of meetings of the Council and shall preside at all meetings of the Council at which he is present; in the case of his absence, the Deputy Mayor shall preside and, in the case of the absence of the Deputy Mayor, the members present and constituting a quorum shall elect a Chairman from among their number.

Quorum.

65. A quorum at meetings of a Council or of any of its Committees shall be constituted by fifty per cent of the membership of the Council or of the Committee.

Standing Order.

66. (1) Subject to the provisions of this Part, and subject to the approval of the President, a Council may make Rules and Standing Orders to provide for—

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(a) the regulation and conduct of the proceedings and meetings of the Council and as Local Authority within the meaning of the Public Health Ordinance and of all committees thereof;

(b) the maintenance of order and method in the despatch of business and in the conduct of debates in the Council;

(c) such other matters as may be considered necessary to ensure the efficient functioning of the Council,

and in particular such Rules or Standing Orders may provide that the Minutes of the proceedings of any meeting shall, when copies thereof have been circulated to members, be taken as read, and

may also provide for the postponement of the confirmation of the Minutes of the proceedings of any meeting.

(2) A motion to suspend the Standing Orders of a Council or any of them may be made at any meeting of the Council without notice, and shall be voted upon without debate, but shall not be carried unless supported by at least two-thirds of the members present and voting.

Voting.

67. (1) All acts of a Council, and all questions coming or arising before a Council shall, unless otherwise prescribed by this or any other written law, be done and decided by the majority of such members of the Council as are present and voting at a meeting held in pursuance of this Act, the whole number present at the meeting not being less than a quorum, but except with the unanimous consent of the members present, not being less than two-thirds of all members, no motion passed within the preceding six months, and no motion to the same effect as any motion which has been negatived by the Council within the preceding six months, shall be considered at any meeting of the Council and no such motion shall be passed except upon the vote of a majority of at least two-thirds of members present and voting thereon.

(2) The person presiding at a meeting of a Council shall, in the event of an equality of votes, have a second or casting vote.

Appointment of committees.

68. (1) Subject to section 69(1), a Council of a Corporation may appoint from among its members such committees, either of a general or a special nature consisting of such number of persons as it thinks fit, for any purposes which, in the opinion of the Council, would be better regulated and managed by means of such committees.

(2) A member of a Council not being a member of a committee may attend a meeting of that committee and may take part in the deliberations of such committee but shall not vote.

(3) A Council may appoint persons, not being members of Council, to any committee and such persons may take part in the deliberations of such committee but shall not vote.

(4) Every committee of a Council shall, unless otherwise expressly authorised by the terms of its reference, submit its proceedings and recommendations to the Council for approval.

(5) The proceedings and recommendations of every Committee of a Council shall be submitted to the Council in the form either of Minutes of the proceedings at the meetings of such Committee, or of a formal report signed by the Chairman of such Committee.

(6) Any recommendations in any such report, when adopted by a majority of the members present, shall become and be deemed to be resolutions of the Council.

(7) In addition to the committees referred to in subsection (1), the Council may appoint advisory committees of persons who are not members of the Council.

Standing Committee.

69. (1) Every Council shall appoint Standing Committees to deal with the following matters:

(a) Finance, Planning and allocation of Resources;

(b) Personnel;

(c) Public Health;

(d) Physical Infrastructure.

(2) The membership of each such Committee shall comprise not less than 51 per cent of all the members of the Council.

Sub-Committees.

70. A Committee appointed by a Council may from among its members appoint sub-Committees and may, subject to any Standing Orders or to any directions by the Council, delegate to a sub-Committee any of its functions, but only so far as it is authorised to do so by Standing Orders or by any directions of the Council.

Minutes signed by Chairman to be evidence.

71. (1) Minutes of the meetings of a Council or of a Committee thereof shall be signed by the Chairman of the meeting.

(2) Minutes of the meeting of a Council or of a Committee thereof signed by the Chairman, or by a member of the Council or of the Committee describing himself as or appearing to be Chairman of the meeting at which such Minutes were adopted or confirmed shall be received in evidence without further proof.

Meetings deemed to have been duly convened.

72. Until the contrary is proved, every meeting of a Council or of a Committee thereof in respect of which Minutes have been made as provided in section 71, and every meeting of a Committee the proceedings of which are embodied in a report signed by the Chairman of such Committee and received by the Council, shall be deemed to have been duly convened and held, and all members taking part in any such meeting shall be deemed to have been duly qualified, and where the proceedings are proceedings of a Committee, the Committee shall be deemed to have had power to deal with the matters referred to in the Minutes or in the report, as the case may be.

Delegation of powers of the Council to Committee.

73. A Council may delegate to any Committee appointed by it any of the powers or duties vested in or imposed upon the Corporation by this or any other written law for the time being in force, and may direct that the acts and proceedings of such Committee need not be submitted to the Council for approval and in every such case the acts done and the proceedings taken by the Committee in relation to the powers and duties so delegated to such Committee shall be done and instituted in the name of the Corporation and shall be as valid and binding on all parties as if such acts had been done and such proceedings taken by the Council.

Travelling expenses of Committees.

74. The reasonable travelling expenses of every Committee appointed by a Council incurred for the purpose of inspecting premises and places in connection with the matters referred to such Committee shall be paid out of the ordinary revenue of the Corporation.

Open meetings.

75. (1) The meetings, except meetings of a Committee including a Committee of the whole, of every Council shall be open to the public, and no person shall be excluded therefrom except for improper conduct.

(2) The Chairman may expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting.

PART V

76. to 107. ***(Repealed by Act No. 18 of 2009).***

PART VI

FINANCIAL PROVISIONS

Annual estimates.

108. (1) Every Council shall, on or before the day prescribed by the Minister with responsibility for Finance, prepare and submit to the Minister for his approval and for the approval of the Minister with responsibility for Finance true estimates of—

(a) capital expenditure and the financing thereof; and

(b) an income and expenditure budget,

for the financial year commencing on the 1st January next following and the Minister may make such amendments thereto as may be considered expedient.

Third Schedule.

(2) For the purposes of subsection (1), the prescribed days shall be as set out in the Third Schedule or in the Order made pursuant to section 5(2).

(3) No sums shall be expended in any year save as provided in the estimates so approved, but the Council may from time to time, submit a supplemental estimate of expenditure to the Minister for approval.

(4) The Council may at any time during the year utilise any saving under one head or subhead of recurrent expenditure in the estimates for the purpose of meeting any excess under another head or subhead of such recurrent expenditure.

(5) In respect of any portion of a year that has elapsed before the approval of the estimates for the year, the Council may provisionally expend in each week, in respect of any matter, any sum not exceeding one fifty-second part of the estimate for similar work, services or salaries in the previous financial year, or, by leave of the Minister, any such further sums as the Minister may sanction.

Corporation fund and collection of fees, rates and taxes.

109. (1) Every Corporation shall establish a fund to be known by its corporate name to which all moneys received by the Corporation, other than sums received by it as trustees or for the purposes of any fund established pursuant to section 110, shall be credited and all expenditure of the Corporation, except in its capacity as a trustee or for the purposes of any fund established pursuant to section 110, shall be defrayed out of such fund.

(2) The Corporation may collect on behalf of the Government such fees, rates and taxes as the President may by Order prescribe, and may retain for its own use such portion of those fees, rates and taxes as the Minister to whom responsibility for Finance is assigned may determine by Order.

(3) An Order made under this section shall be subject to affirmative resolution of the House of Representatives.

Mayor's Fund.

110. (1) A Council may by resolution, with the approval of the Minister, establish a fund to be known as the "Mayor's Fund" for the purposes specified in the resolution establishing the fund.

(2) The revenue of the Mayor's Fund shall be derived from—

(a) such donations and other contributions as may from time to time be received for the Mayor's Fund;

(b) such moneys as the Council may by resolution authorise to be paid into the Mayor's Fund.

(3) All moneys to be expended out of the Mayor's Fund shall be authorised by resolution of the Council.

(4) An annual report on the Mayor's Fund together with an audited statement of its revenue and expenditure shall be submitted to the Minister.

Moneys to be paid into approved banks.

111. All moneys belonging to, or received for, or on behalf of the Corporation shall as soon as practicable be paid into an account of the Corporation at such bank as the Council shall, by resolution, appoint; but the Council may, by resolution, authorise the Treasurer to retain in his hands a sum sufficient for the daily expenses of the Council.

Application of funds. [18 of 1998 6 of 2009].

112. (1) The Corporation Fund shall be applied towards the payment of—

(a) the salaries and other remuneration of the Chief Officers and other officers and employees of the Corporation;

(b) the pensions and gratuities under any written law applicable to the Corporation;

(c) the expenses incurred as a result of prosecuting persons who have committed offences against this Act or any other written law;

(d) the expenses incurred in forming and laying out, repairing, draining, and cleaning the streets, footways, squares and other public places vested in the Corporation, but not including the paving or maintenance of natural ravines, main drains and watercourses;

(e) in the case of the Corporation for the City of Port of Spain, the maintenance of the pitch walk, rails and benches around the Queen's Park Savannah;

(f) the expenses incurred in the maintenance and management of markets, slaughterhouses, pastures, commons, recreation grounds or cemeteries and crematoria, under the control or management of the Corporation;

(g) the expenses incurred in the maintenance and preservation of all corporate property;

(h) any sums payable by the Corporation as a result of a judgment of a Court of law;

(i) the expenses generally of and incidental to the carrying out of the provisions of—

(i) this Act;

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(ii) the Public Health Ordinance;

(iii) any other written law imposing duties on the Corporation entailing expenditure; and

(j) any other sums which have been specifically voted by the Council and the payment of which is approved by the Minister.

(2) Where the Corporation Fund is more than sufficient to meet the expenses specified in subsection (1), the surplus may, with the consent of the Minister, be applied under the direction of the Council towards the erection of buildings or towards the acquisition of lands or buildings for any one or more of the following purposes:

(a) ***(Repealed by Act No. 18 of 1998);***

(b) any public institution situated within the Municipality and devoted to the care of infants or indigent persons;

(c) the erection and maintenance of monuments or foundations or both;

(d) generally for the improvement of the Municipality and for the benefit of the inhabitants thereof.

Form of accounts and audit.

113. (1) Every Corporation shall keep its accounts in a form, having regard to its annual estimates, approved by the Minister of Finance.

(2) The accounts of every Corporation shall be subject to audit by the Auditor General in all respects as if the Corporation were a department of the Public Service.

(3) The Auditor General shall send one duly certified abstract of the accounts of every Corporation to its Council, and another duly certified abstract to the Minister.

(4) At every audit, the Auditor General shall—

(a) disallow every item of account which is contrary to law;

(b) surcharge the amount of any expenditure disallowed upon any officer or member responsible for incurring or authorising the expenditure; and, in the case of members, where it does not appear from the resolutions of the Council or Committee which particular members of the Council concurred in authorising any expenditure, every member present at the meeting at which such expenditure was authorised shall be deemed to have so concurred until he proves the contrary;

(c) surcharge any sum which has not been duly brought into account upon the person by whom that sum ought to have been brought into account;

(d) surcharge the amount of any loss or deficiency upon any person by whose negligence or misconduct the loss or deficiency has been incurred;

(e) certify the amount due from any person upon whom he has made a surcharge;

(f) certify at the conclusion of the audit his allowance of the accounts, subject to any disallowances or surcharges which he has made, save that—

(i) no expenses paid by a Corporation shall be disallowed by the Auditor General if they have been sanctioned by the Minister;

(ii) a surcharge shall not be made under this section upon an officer of a Corporation by reason only of his signing a cheque or an order in respect of any illegal payment if he satisfies the Auditor General that, before signing the cheque or order, he advised the Council in writing that in his opinion the payment was illegal;

(iii) a surcharge shall not be made under this section upon a member of a Council by reason only of his authorising an illegal payment if he satisfies the Auditor General that the payment was authorised by the Council or its Finance and Planning Committee and that before he authorised or concurred in authorising the illegal payment he had not been advised by any officer that in the opinion of the officer the payment was illegal.

(2) Any loss represented by a charge for interest or any loss of interest shall be deemed to be a loss within the meaning of this subsection, if it arises from failure through wilful neglect or wilful default to make or collect such rates as are necessary to cover

the expenditure of a Corporation for any financial year including any expenditure incurred in any previous year and not covered by rates previously levied, or failure to collect other revenues.

Appeals and applications for relief.

114. (1) Any person who is aggrieved by a decision of the Auditor General on any matter in respect of which he made an objection at the audit, and any person aggrieved by a disallowance or surcharge made by the Auditor General may appeal to the High Court.

(2) The High Court on such an appeal shall have power to confirm, vary or quash the decision of the Auditor General, and to remit the case to the Auditor General with such directions as it thinks fit for giving effect to its decision, and if the decision of the Auditor General is quashed or is varied so as to reduce the amount of the surcharge to two thousand five hundred dollars or less, the appellant shall not, on account of such decision of the Auditor General, be subject to the disqualification by reason of section 11(8)*(i)*.

(3) In the case of a surcharge, the person surcharged may, whether or not he appeals under section 114, apply to the President for a declaration that in relation to the subject matter of the surcharge he acted reasonably or in the belief that his action was authorised by law, and the President, if satisfied that there is proper ground for doing so, may make a declaration to that effect.

(4) Where such a declaration is made the person surcharged, if by reason of the surcharge he is disqualified as a Councillor, shall not be subject to that disqualification, and the President may, if satisfied that the person surcharged ought fairly to be excused, relieve him either wholly or in part from personal liability in respect of the surcharge, and the decision of the President under this section shall be final.

Payment and recovery of sums certified to be due.

115. (1) Every sum certified by the Auditor General to be due from any person to a Corporation shall be paid by that person to the Corporation within fourteen days after it has been so certified or, if an appeal or application with respect to that sum has been

made, within fourteen days after the appeal or application is dismissed, or refused, or abandoned, or withdrawn or fails by reason of the non-prosecution thereof.

(2) Any sum which is certified by the Auditor General to be due to a Corporation and has become payable shall be recoverable as a civil debt.

(3) In any proceeding for the recovery of such a sum, a certificate signed by the Auditor General shall be conclusive evidence of the fact certified, and a certificate signed by the Treasurer of the Corporation or other officer whose duty it is to keep the accounts that the sum certified to be due has not been paid to him shall be conclusive evidence of non-payment unless it is proved that the sum certified to be due has been paid since the date of the certificate.

(4) Unless the contrary is proved, a certificate purporting to be signed by the Auditor General, or by the Treasurer, or other officer whose duty it is to keep the accounts, shall be deemed to have been signed by such Auditor General, Treasurer or other officer, as the case may be.

(5) The Chief Executive Officer shall cause proceedings before a Court for the recovery of any sum certified by the Auditor General to be due to be commenced within nine months from the date of the disallowance or charge or, in the event of an appeal or application being made to the High Court, within nine months from the date on which the appeal or application is dismissed or refused or abandoned or fails by reason of non-prosecution or is withdrawn.

(6) An appeal shall be deemed to have been abandoned or to have failed by reason of non-prosecution if it is not finally disposed of by the High Court within one year after it has been filed therein, or within such extended time as the Court may allow on application made within the said period of one year.

Signatures of cheques and receipts.

116. (1) All cheques drawn upon the banking account of a Corporation shall be signed by not less than two officers authorised for the purpose by resolution of the Council with the approval of the Minister.

(2) All receipts issued for moneys paid to a Council for the benefit of the Corporation may be signed by the officer actually receiving such moneys on behalf of the officer appointed to receive such moneys.

Council may make Regulations.

117. A Council may, by resolution, make Regulations as to all or any of the following matters:

(a) the custody of money, pass books, and cheques; and

(b) all matters necessary for the proper keeping of its accounts.

All financial matters to be submitted to Finance Committee.

118. (1) All matters of a financial nature relating to the affairs of a Corporation and all vouchers for the payment of any moneys to be disbursed by the Corporation except petty disbursements not exceeding a sum to be fixed by resolution of the Council shall be submitted for approval to the Finance and Planning Committee appointed in accordance with section 69.

(2) Every Treasurer shall cause vouchers to be made out for all payments out of the Corporation Fund save in the case of petty cash disbursements not exceeding such sum as is fixed by resolution of the Council; and the Treasurer shall be responsible for all vouchers and the correctness thereof.

(3) All vouchers shall be signed by such officers of the Corporation as the Council may authorise for that purpose with the approval of the Minister.

Corporation may borrow money.

119. (1) A Corporation may apply to the Minister for approval to borrow such sums of money as it considers necessary for the execution of any permanent works or of any works which it is authorised to execute under this Act or any other written law or for the repayment of any loan or part thereof or for any purpose.

(2) An application for approval to borrow money shall state—

(a) the amount to be borrowed and the proposed rate of interest;

(b) the purposes for which the loan is intended to be applied;

(c) the period within which it is intended to repay the loan and the method of repayment, whether by equal annual instalments, or principal and interest combined on the annuity system or otherwise;

(d) the security, if any, to be given for the repayment of the loan; and

(e) where no security is intended to be given, the provision to be made for the repayment of the loan and interest thereon from the Corporation Fund.

(3) Where works carried out by a Corporation are being wholly or partly financed by loans, they shall be executed according to such plans and estimates and be subject to such provisions for the obtaining of the necessary funds as the Minister may approve.

(4) The Minister may alter the plans, estimates and provisions referred to in subsection (3) in such manner and to such extent as he considers necessary before giving his approval under that subsection.

(5) A Corporation may apply such portion of its general revenue as may be required to give effect to the terms and conditions of any approval given by the Minister under this Act in or towards the payment of the principal or interest or both, of any loan secured under this Part.

(6) A Council may, with the approval of the Minister—

(a) borrow as temporary advances such sums as are necessary for defraying expenses included in the approved estimates and are payable out of the Corporation Fund; and

(b) enter into arrangements with the manager of an approved bank with which it has a current account for the purpose of over-drawing its account to such extent as may be specified in the approval.

(7) Any temporary advance borrowed by a Corporation under subsection (1) shall be repaid before the expiration of the financial year in which it was made.

(8) In this section, "Minister" means the Member of the Cabinet to whom responsibility for Finance is assigned.

Power to alter allocation of moneys.

120. The Minister may on the application of a Council approve the allocation of moneys to purposes other than those to which such moneys were allocated under this Act.

Disability of members through conflict of interest.

121. (1) Where a member of a Council has any pecuniary interest, whether direct or indirect, in a contract or proposed contract or any other matter, he shall disclose the nature of his interest at the first meeting of the Council at which he is present after the relevant facts have come to his knowledge.

(2) A disclosure under subsection (1) shall be recorded in the Minutes of the Council or Committee and subject to subsection (9), after the disclosure, the member making the disclosure shall not be present or take part in the deliberations at any meeting when the matter is being decided by the Council or Committee.

(3) This section shall not apply to an interest in a contract or other matter which a member may have as a ratepayer or inhabitant of the area or as an ordinary user of any service or to an interest in any matter relating to the terms on which the right to participate in any service provided by the Corporation, including the supply of goods, is offered to the public.

(4) Subject to subsection (5), a person shall be treated as having an indirect pecuniary interest in a contract or other matter if—

(a) he, or any nominee of his, is a member or a director of a company or other body with which the contract is made or is proposed to be made, or which has a direct pecuniary interest in the other matter under consideration; or

(b) he is a partner or is in the employment of a person with whom the contract is made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration.

(5) A person shall not be treated as having a pecuniary interest by reason only of his being a member of or being employed by any public body.

(6) Where a member of a Council has an indirect pecuniary interest in a contract or other matter and would not fall to be treated as having such an interest but for the fact that he has a beneficial interest in shares of a company or other body, then if the total nominal value of those shares does not exceed one-hundredth of the total nominal value of the issued share capital of the company or body, he may take part in the consideration or discussion of the contract or other matter if he first discloses the nature and extent of his interest.

(7) Where, however, the share capital of the company or other body is of more than one class, subsection (6) shall not apply if the total nominal value of all the shares of any one class in which he has a beneficial interest exceeds one-hundredth part of the total issued share capital of that class of shares of the company or other body.

(8) In the case of married persons living together, an interest of one spouse shall, if known to the other, be deemed for purposes of this section to be also an interest of the other spouse.

(9) A general notice given in writing to the Chief Executive Officer by a member of the Council to the effect that he or his spouse is a member, or is in the employment of a specified company or other body, or that he or his spouse is a partner, or is in the employment of a specified person shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract, proposed contract or other matter relating to that company or other body or to that person, which may be the subject of consideration after the date of the notice.

(10) Every Chief Executive Officer shall record in a book to be kept for that purpose particulars of any disclosure made under subsection (1) and of any notice given under subsection (9), and the book shall be open at all reasonable hours to the inspection of any member of the Council or the public.

(11) Any person who fails to comply with the provisions of subsection (1) is liable on summary conviction to a fine of one thousand dollars, unless he proves that he did not know that a contract or other matter in which he had a pecuniary interest was the subject of consideration at the meeting.

(12) In any case where the number of members of a Council disabled by the provisions of this section at any one time would be so great a proportion of the whole as to impede the transaction of any particular item of business, the President may, on the application of the Council or otherwise and subject to such conditions as he may think fit to impose, remove any disability imposed by this section respecting such business or, with the consent of the Council and after such inquiry as he may direct, cause the business to be transacted on the Council's behalf.

(13) Where the President causes any business to be transacted under subsection (12) the business so transacted shall be of full force and effect and binding upon the Corporation.

(14) In any other cases to which subsection (12) does not apply, the President may, subject to such conditions as he may think fit to impose, remove any disability affecting a member of a Council if it appears to him that it is in the interest of the inhabitants of the Municipality that he should do so.

(15) Notwithstanding anything in this section, every member of a Council may take part in the consideration or discussion of and vote on the question whether any application shall be made or any such consent granted under subsection (12).

(16) In this section the expression "shares" includes stock and the expression "share capital" shall be construed accordingly.

Officers to declare interest in contracts.

122. (1) Where it comes to the knowledge of an officer that a contract in which he has a pecuniary interest, whether direct or indirect (not being a contract to which he himself is a party), has been or is proposed to be entered into by the Council or a Committee thereof, he shall, as soon as practicable, give notice in writing to the Council of the fact that he is interested therein.

(2) No officer or employee of a Corporation shall exact or accept any fee or reward other than his proper remuneration.

(3) A person who fails to comply with the provisions of subsection (1) or (2) is liable on summary conviction to a fine of four thousand dollars.

Acquisition and alienation of corporate property.

123. (1) A Corporation may, with the approval of the President, purchase or otherwise acquire or lease any land for such purposes and on such terms and conditions as the President may approve.

Ch. 58:01.

(2) A Corporation may, where it acquires lands for public purposes, follow the procedure prescribed under the Land Acquisition Act for compulsory acquisition of lands.

(3) A Corporation may, with the consent of the President and under the Seal of the President, sell and demise any land vested in it.

(4) Land vested in a Corporation which is to be let, leased, rented, demised or sold shall, except where the President otherwise determines and in accordance with such scheme as may be approved by him, be let, leased, rented, demised or sold for the best rent or at the best price which can be reasonably obtained.

(5) Any capital money received in respect of any dealing in land pursuant to subsection (2) shall be applied towards the discharge of the capital debt of the Corporation or for any other purpose to which capital money may properly be applied.

PART VII

STREETS AND BUILDINGS

Interpretation.

124. (1) In this Part and in any Bye-laws, Rules or Regulations made or continued under this Part—

"builder" means the person who is employed to build or to execute any work on a building or other structure; or, where no such person is so employed, the owner or occupier of the building or other structure;

Eighth Schedule.

"building regulations" means the Regulations in the Eighth Schedule and any Regulations made or continued under section 160;

"carriageway" means a way constituting or contained in a highway, being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles;

"commercial building" means a shop, warehouse, factory, foundry, workshop, depot, power-house, a building constructed or used or adapted to be used for a commercial or industrial purpose, and every building other than a domestic or public building;

"domestic building" means a dwelling house and any out-building appurtenant thereto whether attached to it or not;

"dwelling house" means a building used or constructed or adapted to be used wholly or principally for human habitation;

"dwelling unit" means one or more rooms designed for sleeping and dining for use by not more than one family and in which separate kitchen and sanitary facilities are provided for the exclusive use of such family with a private entrance from outside the building or from a common hallway, passage, gallery or stairway;

"footway" means a way contained in a highway which also contains a carriageway, being a way, over which the public have a right of way on foot only;

"inhabited", in relation to a room, means the use of such room as a bedroom or as a living room by a person and includes the use of any room with regard to which (until the contrary is proved) there is a presumption that a person spends the night therein or that it is used as a living room;

"public building" means a building used, constructed or adapted to be used either ordinarily or occasionally as a church or a chapel or other place of public worship or as a hospital, school, cinema, pavilion, stadium, nightclub, library, museum, pool-room, hotel, restaurant, theatre, public hall, public concert room, public ballroom or public exhibition room, or as a public place of assembly for persons admitted thereto by tickets or otherwise, or used, constructed or adapted to be used either ordinarily or occasionally for any public purpose;

"sanitary conveniences" includes urinals, water closets, earth closets, privies, cesspits, and all similar conveniences;

"sign" means any visible thing employed wholly or in part for the purpose of an advertisement or announcement;

"street" includes the whole or any part of any highway or road and any public bridge, lane, footway, square, court, alley or passage whether a thoroughfare or not and includes any side drains appurtenant thereto;

"structure" includes any building, or any part thereof, and any wall or fence and anything fixed to or projecting from any building, wall, fence, or other structure;

"vehicle" has the meaning assigned to it under section 2 of the Motor Vehicles and Road Traffic Act. Ch. 48:50.

(2) For the purposes of this Part, each of the following is deemed to be the erection of a new building:

(a) the re-erection in whole or part of any building involving the reconstruction of an outer wall;

(b) the conversion into a dwelling house of any building which is not a dwelling house;

(c) the conversion into more than one dwelling unit of a building originally constructed as a single dwelling unit;

(d) the creation of a new habitable room or the provision of an increase in the number of habitable rooms in an existing structure;

(e) the reconversion into a dwelling house of any building which had been discontinued as, or appropriated for any purpose other than that of a dwelling house;

(f) the conversion into a commercial building of a dwelling house;

(g) the conversion into a public building of a structure that is not a public building;

(h) the making of any addition to an existing building by raising any part of the roof, by altering a wall, or making any projection from the building, but so far as regards the addition only; and

(i) the roofing or covering over of any open space between walls or buildings.

Breaking up of pavement or obstruction of street without prior consent.

125. (1) No person may break up or open the surface, pavement, or soil of any street within a Municipality which is maintainable by the Council or lay any pipe or wire or any other matter or thing in or under any such street or any part of the sub-

soil thereof for any purpose, or place or erect any pole, post hoarding, or barricade or other structure in any such street without the prior consent of the Council.

(2) A person who contravenes the provisions of this section is guilty of an offence and liable to a fine of five thousand dollars and to a further fine of five hundred dollars for every day that the offence continues after he was given notice thereof by the Engineer or his duly authorised representative.

(3) Subsection (1) does not apply to any person while discharging a duty imposed upon him by any written law; but such person shall give notice of an intention to carry out any of the works referred to in subsection (1) and shall execute all such works in accordance with the provisions of sections 64 and 65 of the Highways Act and shall comply with all reasonable directions given in connection therewith by the Council or any of its officers. Ch. 48:01.

(4) Subject to the provisions of sections 61 to 65 of the Highways Act, a Council may, by resolution or by agreement under the seal of the Corporation for such consideration as it thinks proper, permit any person, for such purposes as shall be specified in such resolution or agreement, to break up or open the surface or soil of any street vested in the Corporation or to lay any pipe or wire or other matter in or under such street, or to place or erect any pole, post, hoarding, barricade or other structure in any such street upon such terms and conditions not inconsistent with subsection 126(1)*(a)* and 126(1)*(b)* as the Council may in any case impose.

Execution of works and restoration of streets.

126. (1) Any person who commences any work pursuant to permission granted under section 125(4) shall—

(a) conform to the requirements as to—

(i) dispatch in the execution of such work; and

(ii) the reinstatement of any street; and

(b) be liable for the cost of remedying deterioration of or subsidence in any street reinstated,

as if he were an undertaker within the meaning of section 65 of the Highways Act. Ch. 48:01.

(2) A person referred to in subsection (1) shall comply with any terms and conditions imposed by the Council.

(3) A person who fails to comply with any requirement of subsection (1) or (2) is (without prejudice to any other liability he thereby incurs) guilty of an offence and liable on summary conviction to a fine of five hundred dollars for each day that the offence continues after he was given written notice thereof by the Engineer or his duly authorised representative.

Encroaching upon streets.

127. (1) Any person who encroaches on any street within a Municipality—

(a) by erecting any structure of any kind or any signboard;

(b) by planting any hedge, by erecting any fence, arch or bridge, or by digging any ditch or drain; or

(c) by undertaking any works on or adjacent to such street,

is liable on summary conviction to a fine of three thousand dollars.

(2) The Engineer may remove every obstruction or cause any building or other encroachment referred to in subsection (1) to be removed, taken down, filled up or opened at the cost of the person who encroached.

Bridge over side-drains.

128. A Council may demolish or remove any bridge or other structure erected or standing over the side-drains of any street within the Municipality.

Enclosure of land.

129. (1) The owner of any land within a Municipality shall, whenever required by the Council, cause such land to be enclosed to the satisfaction of the Council.

(2) The owner of any land within a City or Borough or within a prescribed area of any other Municipality on which houses have been erected shall, whenever required by the Council, cause the site of every such house, with the land appurtenant thereto, to be enclosed to the satisfaction of the Council.

(3) Any person who fails or neglects to comply with any requisition of a Council under this section within the time therein specified is liable on conviction to a fine of one thousand dollars and to a further fine of one hundred dollars for every day during which such non-compliance continues after conviction.

(4) Where the fence erected by the owner of any land in compliance with a notice served on him by a Council under this section divides the land of such owner from the land of an adjoining owner, one-half of the cost of such dividing fence shall be borne by the adjoining owner, and shall be a debt due by him to the owner on whom the notice was served by the Council and who erected the fence, and may be recovered in a summary manner by complaint before a Magistrate.

(5) Subject to the approval of the Minister, the Council of a Municipality other than a City or Borough may by resolution declare any area, district or place to be prescribed for the purpose of subsection (2).

Taking over streets and widening or other improvements effected by the Council.

130. (1) A Council may with the approval or under the direction of the Minister responsible for Highways take over any existing street within the Municipality which is not repairable by the Council for the purpose of widening or effecting improvements to the drainage or surface of such street and for such purposes may also acquire compulsorily, in the manner provided by section 123 any land or building abutting on such street.

(2) For the purpose of the expenses incurred by the Council in exercising the powers conferred by subsection (1), the Council may with the approval or under the direction of the Minister levy a rate within any part of the Municipality affected by such improvements to be called "The Streets Improvement Rate" in the same manner as is provided for the levying of a General Health Rate by section 171 of the Public Health Ordinance. Ch. 12. No. 4. (1950 Ed.).

Fountains, statues and monuments.

131. (1) A Council may authorise the erection of any fountain, statue or monument in any street or public place within the Municipality.

(2) The Council may maintain or remove any fountain, statue or monument erected under subsection (1) or erected in any street or public place within the Municipality before the commencement of this Act.

Council may plant, maintain or cut down trees in streets.

132. A Council may plant or maintain trees in any street or public place vested in the Corporation and may cut down, trim, or remove any such trees, and may erect rails for the protection of any trees.

Overhanging trees.

133. (1) Where any tree or bush overhangs a street within a Municipality, the Engineer may serve a notice on the owner or occupier of the lands on which such tree or bush is standing, requiring the owner or occupier to remove the over-hanging portion of the tree or bush within a time specified in the notice.

(2) Where any tree standing on lands abutting on a street within a Municipality is in the opinion of the Engineer dangerous to persons passing along the street, he may serve a notice on the owner or occupier of the lands on which the tree is standing, requiring the owner or occupier to cut down or trim the tree within a time specified in the notice.

(3) Where an owner or occupier fails to comply with a notice served upon him under this section within the time therein specified, the Council or any person authorised by it in writing may cause the tree or bush to be cut down or trimmed, and, for that purpose if necessary, may enter into and upon the lands whereon such tree or bush is standing; and the expenses incurred by the Council in cutting down or trimming and removing such tree or bush may be recovered summarily from the owner or occupier on whom the notice was served.

Bye-laws dealing with the use of streets. Ch. 48:01. Ch. 48:50.

134. (1) Subject to the provisions of the Highways Act and to section 110 of the Motor Vehicle and Road Traffic Act, a Council may make Bye-laws for all or any of the following purposes, that is to say:

(a) for declaring and limiting the use by the public of any street within the Municipality both or either as to the time of such public use or as to the character of the traffic on such street.

(b) for the control, management, construction and repair of streets within the Municipality and for the prevention and removal of any obstruction or projection thereon and for the prevention of the use of streets other than as a means of passage;

(c) for prohibiting the use upon any street within the Municipality of any vehicle and for regulating and declaring the manner in and the conditions under which the same may be used or driven over a street;

(d) generally for the purpose of carrying out the provisions of this Part and for providing for the manner in which and the persons from whom the expenses of carrying out the provisions of such Bye-laws are to be recovered.

(2) There may be imposed in respect of any breach of any such Bye-laws a penalty not exceeding one thousand dollars or, in case of a continuing offence, a penalty not exceeding one hundred dollars for each day during which such offence continues after conviction thereof.

(3) Bye-laws made under this section shall be subject to negative resolution of Parliament.

Seizing animal or vehicle on streets.

135. Any constable or any other person authorised by a Council may seize, detain, remove and impound any animal or vehicle being used upon any street within the Municipality in contravention of this Part or any Bye-laws made hereunder.

Sanitary conveniences.

136. A Council may provide and maintain sanitary conveniences in any street or public place vested in the Corporation and may make reasonable charges for the use of any sanitary convenience other than a urinal so provided.

Bye-laws regarding sanitary conveniences.

137. A Council may make Bye-laws with respect to the management of sanitary conveniences provided under section 136 and for the proper conduct of persons using such conveniences.

Naming of streets and numbering of houses.

138. A Council shall name or rename streets for which it is the Local Highway Authority and number or renumber all premises, including vacant lots, within the Municipality.

Streets names, and buildings numbers to be displayed.

139. The Council shall cause street-name signs to be placed and maintained at appropriate locations throughout the Municipality and shall cause relevant number plates to be affixed to all premises.

Publication of resolution relating to naming or numbering.

140. (1) A Council shall, as soon as possible after naming or renaming any street or numbering or renumbering any premises, cause to be published in the *Gazette* and in at least one daily

newspaper circulating in the Municipality, notice of the resolution relating to the naming of such street, and the number of such premises, and shall cause one sealed copy of every such resolution to be deposited in the offices of the Registrar of the Supreme Court, the Minister and its Chief Executive Officer.

(2) In any Court of law and for all purposes, the production of any one of such sealed copies or of a copy of the *Gazette* containing the notice of such resolution shall be conclusive evidence that the name or number of any street, or premises was altered as specified in such resolution and the several premises therein mentioned shall be entered in the House Rate Book by the numbers and names specified in the resolution as the proper numbers and names by which to identify the same after the naming, renaming, numbering or renumbering, as the case may be.

Penalty for removing or defacing number or nameplates.

141. (1) Every person who destroys, pulls down or defaces any number plate or any street nameplate put up by the Council or puts up any number plate or street nameplate put up by the Council is liable to a fine of five hundred dollars.

(2) The Council may remove any such number plate or nameplate substituted for the one put up by it.

Application to erect poles.

142. (1) Where any person authorised by any written law to erect any posts or poles on any street vested in or under the control of a Corporation intends to erect any posts or poles in any such street, such person shall make application in writing to the Council stating the circumstances which require the erection of the posts or poles, the purpose for which they are intended and specifying the name of the street and the particular part thereof in which the posts or poles are to be erected and the day on which the work is proposed to be commenced not being less than fourteen days from the date of the application.

(2) A person referred to in subsection (1) shall not erect any post or pole except with the written consent of the Council and every post or pole shall be erected at such particular part or place in the street as the Engineer may approve.

(3) Where consent is refused or withheld, an appeal shall lie within ten days of the refusal to the Chief Technical

Officer (Works) and a copy of the appeal shall be delivered to the Corporation.

(4) The Chief Technical Officer (Works) may make such order in the matter as to him may seem just, and his decision shall be final and binding on all parties.

Erecting pole without previous consent of Council.

143. A person who erects any post or pole in any street in a Municipality:

(a) without the prior consent of the Council;

(b) in any place in such street not approved by the Engineer,

is liable on summary conviction to a fine of one thousand dollars, and to a further fine of one hundred dollars for each day during which any such post or pole is left standing after conviction.

Council may order removal of poles.

144. (1) Where, in the opinion of a Council, it is necessary or expedient in the public interest or for any purpose that any post or pole erected in any street in the Municipality should be removed from its location, the Council may give notice to that effect to the person by whom such post or pole was erected.

(2) Notice under subsection (1) may require that such post or pole be removed within a fixed time specified in the notice, not being less than seven days from the day of the service of the notice.

(3) A person who fails to comply with a notice is liable on conviction to a fine of five hundred dollars and to a further fine of fifty dollars for each day after conviction that the post or pole so required to be removed remains standing.

Obstruction of drains.

145. A person who impedes the free flow of water in—

(a) any ditch, drain or water course in or adjoining any street within a Municipality;

(b) any ditch, drain or water course on any land into or through which water from any such street flows or any ditch, drain or water course under any such street,

is guilty of an offence and liable to a fine of one thousand dollars and to a further fine of one hundred dollars for each day the offence continues after conviction.

Council may pave or repave footway.

146. (1) Where any footway in a Municipality is not in the opinion of the Council properly paved the Council may pave the footway with such materials and in such manner as it thinks fit and one-half of the expenses incurred by the Council in executing such paving or repaving work shall be paid by the owners of the premises abutting on such footway according to the frontage of their respective premises and in such proportion as shall be settled by the Engineer and approved by the Council.

(2) Where an owner of premises abutting on the footway fails to pay his apportioned share of the expenses the unpaid expenses shall be a charge on his premises.

(3) Once a footway has been paved under this section, the owner or occupier of the premises abutting on such footway shall not be again chargeable with any other repavement thereof.

Engineer to notify owner of intention to pave.

147. (1) Before commencing any work under section 146, the Engineer shall, by notice addressed to the respective owners or occupiers of the premises abutting on a footway which the Council intends to pave, notify them of the Council's intention.

(2) The Engineer shall prepare an estimate of the cost of the paving and such estimate shall be kept in his office open at all reasonable hours of the day, during the period specified in the notice referred to in subsection (1), for the inspection of all persons interested.

(3) When the paving works contained in the estimate of the Engineer have been completed and the expenses thereof ascertained, the Engineer shall prepare a statement of the total cost of the paving work so completed, and shall make an apportionment of one-half of such expenses among the premises liable to be charged therewith under this Act.

(4) The statement and apportionment shall be submitted to the Council for approval with or without modification or addition, and the statement and apportionment when so approved, shall be conclusive and binding on all parties and the sum appearing in the

apportionment as payable by the owners of each of the premises mentioned as abutting on the footway included in such statement and apportionment shall be payable by each such owner in three equal yearly instalments, the first of such instalment to be paid one year from the date of the service on such owner of the notice of such apportionment together with interest at a rate not exceeding ten per cent per annum until the whole apportioned sum is paid.

(5) Any instalment together with interest thereon or any part thereof, may, without prejudice to the power of sale conferred by the Rates and Charges Recovery Act, be recovered by action in any Court of competent jurisdiction from the present or any future owner or from any tenant or occupier for the time being of such premises. Ch. 74:03.

(6) Any tenant or occupier paying any such instalment and interest may deduct the amount so paid by him from the rent payable by him in respect of such premises or recover the same from the owner as money paid at the request of the owner.

(7) The notice of apportionment to be served on the owner under this section shall be in the form set out in the Seventh Schedule. Seventh Schedule.

Power to alter line of and widen or lessen footway. Ch. 58:01.

148. Subject to the Land Acquisition Act, a Council, in order to secure a regular line and satisfactory width and level for the footway in any street in a Municipality, may, after notice to the owner of the premises fronting, adjoining or abutting on such street, alter the line of the footway, cut down, reduce, or level up any portion thereof, widen or lessen such footway, and carry out such other operations as may be necessary or desirable for the improvement of the footway except that when any such other operations necessitate the removal of any wall or other structure on the premises of any such owner or cause any damage thereto, the Council shall make good and repair all damages caused by such operations.

Crossings for vehicles over footways.

149. Every person desirous of having an entrance for vehicles across any footway so as to afford access to any land from a street repairable by a Corporation shall give notice in writing of such desire

to the council and, where the provision of such an entrance will not derogate from any condition or other requirement imposed under the Town and Country Planning Act with respect to development of such land, and the Council is satisfied of the necessity of such an entrance, and the person deposits with the Council the estimated cost of the work, the Council shall in accordance with section 66(7) of the Highways Act provide such entrance.

Ch. 35:01.

Ch. 48:01.

Certain signs prohibited.

150. (1) No person may display on, or along any building within a Municipality any sign except at the height of not less than three metres from the footway abutting the building, and in such a manner that the sign does not project more than thirty centimetres over such footway measured at right-angles to the front wall of the building.

(2) No person may display on, or along the balcony, verandah, hood or roof of any building within a Municipality any sign except under a licence from the Council.

(3) In granting a licence under this section, the Council may, subject to any Regulations made under section 21 of the Town and Country Planning Act and to any relevant standard under the Standards Act prescribe the dimensions and location of any sign and the measures to be taken by the licensee for maintaining the sign in good order and condition and securely fixed, and appropriate arrangements for ensuring removal of the sign upon expiry of the licence.

Ch. 35:01.

Ch. 82:03.

When licence to be void.

151. A licence granted by a Council under section 150 to display a sign shall become void if—

(a) any addition is made to any sign other than in accordance with the direction of the Engineer for the purpose of making it more secure;

(b) any change is made in the sign;

(c) the sign or any part thereof falls either through accident, decay or any other cause;

(d) any addition or alteration is made to the building on, over or to which any sign is placed or attached, if such addition or alteration involves the disturbance of the sign; or

(e) the building over, on or to which the sign is placed or attached becomes unoccupied.

Awnings.

152. No person may hang or allow to project over any carriageway within a Municipality any blind, shade or awning.

Length of awnings.

153. (1) No person may hang or allow awnings to project over any footway within a Municipality any blind, shade or awning at a height less than three metres from such footway or use any blind, shade or awning for purposes of advertisement.

(2) Nothing in subsection (1) shall be construed as precluding any person in occupation of the building to which any blind, shade, or awning is hung or fixed from having his name and address or the name of his firm, and the name of the trade or business carried on in such premises, printed or painted on such blind, shade or awning, but such person shall observe any restrictions or limitations as to number, size, location and lettering of signs contained in any applicable Regulations made under section 21 of the Town and Country Planning Act. Ch. 35:01.

No advertisement on footways.

154. (1) No person may write, paint, stencil or otherwise mark or cause to be written, painted, stencilled or otherwise marked any advertisement or other matter or thing on any street within a Municipality.

(2) Subsection (1) does not apply to any person while discharging a duty imposed on him by any written law.

Hanging goods over footways.

155. No person may fix or expose any merchandise in such a manner that it projects or hangs over any part of a street within a Municipality.

Signs, awnings, etc., contrary to the Act may be removed.

156. (1) Where any sign, blind, shade or awning is displayed, erected or retained contrary to the provisions of section 150, 152 or 153 or after the licence for the display, erection, maintenance or retention thereof has expired or become void, the Council may cause the sign, blind, shade or awning to be removed and taken away after giving twenty-four hours notice in writing to the licensee or to the owner or occupier of the premises of its intention to do so, and the expenses incidental to such removal, if unpaid, shall be recovered in a summary manner as a fine in addition to the penalty incurred for contravening sections 150, 152 and 153.

(2) The expenses incidental to the removal of any matter mentioned in section 154 from any street shall be recovered in a summary manner as a fine in addition to the penalty incurred for contravening the provisions of that section.

(3) Subject to any condition imposed by a Council upon the granting of a licence under section 150, for the purpose of subsection (1)—

(a) a sign displayed in a street or other public place within a Municipality after the licence issued in connection therewith has expired or become void is deemed to be retained by the licensee;

(b) a sign displayed elsewhere than in a street or other public place within the Municipality after the licence issued in connection therewith has expired or become void is deemed to be retained by the occupier of the relevant premises; but where the premises are vacant, the sign is deemed to be retained by the owner of the premises.

Penalty.

157. A person who contravenes any of sections 150 or 152 to 155 is liable on conviction to a fine of five hundred dollars, and to a further fine of fifty dollars for every day during which the offence continues after conviction.

Additions to, and alterations of, buildings.

158. (1) Every addition to or alteration of any building within a Municipality, and any other work made or done for any purpose in or upon any such building, shall, so far as regards such alterations or additions, or such other work, be subject to the provisions of the Town and Country Planning Act, to the provisions of this Part and of the Building Regulations and of any other written law applicable to such Municipality.

Ch. 35:01.

(2) A person who without the required consent makes such alterations to a building with the result that the building is not in conformity with the requirements of the Town and Country Planning Act or this Act or the Building Regulations is, in addition to any other liability he incurs, guilty of an offence and liable to a

fine of one thousand five hundred dollars and to a further fine of one hundred and fifty dollars for each day that the offence continues after written notice thereof.

New building to conform to Regulations. Ch. 35:01.

159. A new building shall not be constructed within a Municipality otherwise than in accordance with the provision of the Town and Country Planning Act and the Building Regulations.

Continuation of existing Building Regulations. Eighth Schedule.

160. (1) The written laws mentioned in the Eighth Schedule shall continue to have effect on the coming into operation of this Act and might be revoked or amended as provided in subsection (2).

Eighth Schedule.

(2) The Minister may by Regulations, revoke or otherwise amend the Eighth Schedule.

(3) Regulations made under this section may provide for a fine of five thousand dollars for any breach thereof and may also provide a penalty of five hundred dollars for every day during which such breach continues after conviction.

Certificate of compliance with Building Regulations.

161. (1) No person shall occupy or suffer to be occupied except by caretakers not exceeding two in number any new building within a Municipality unless the Engineer certifies in writing that the building complies in every respect with the provisions of this Part.

(2) A person who contravenes the provisions of this section is guilty of an offence and liable to a fine of one thousand dollars and a further fine of one hundred dollars for each day during which such offence continues after due notice thereof from the Engineer.

Power of Engineer to order discontinuance of building operations. Ch. 35:01.

162. (1) Where any person commences to do any work in contravention of the provisions of this Act or of the Building Regulations or of the Town and Country Planning Act or any other written law, the Engineer may serve a written notice on the owner of the premises on which such work is being done, or on the builder, or on both such owner and builder specifying the contraventions and requiring him or them forthwith to cause such work to be discontinued.

(2) Every owner or builder who, after service of such notice upon him, continues or permits such work, is liable to a fine of one thousand dollars for every day during which he so continues or permits such work, as the case may be.

(3) Where any owner or builder considers himself aggrieved by any such notice of the Engineer under this section, such person may, within seven days after the service of such notice, appeal to the Chief Technical Officer (Works) on the matters concerning the merits of the notice to discontinue or may within the same period appeal to the High Court on any issue of law.

(4) The Chief Technical Officer (Works) shall give reasons for his decision and may in writing—

(a) withdraw the notice to discontinue;

(b) vary the notice to discontinue; or

(c) dismiss the appeal.

(5) On the hearing of the matter by the High Court, the Court may—

(a) dismiss the appeal;

(b) set aside the notice to discontinue; or

(c) remit the matter to the Engineer to be dealt with according to law.

Council may remove or pull down works executed in contravention of Act or Regulations. Ch. 35:01.

163. (1) Where any building or other structure is commenced or completed within a Municipality or any work is done in contravention of any of the provisions of this Part or of any Building Regulations of the Council or of the requirements of the Town and Country Planning Act or any other written law, the Council may serve on the owner or builder of the building, structure or work a written notice specifying the contraventions and requiring such owner and builder—

(a) on or before a day to be specified in the notice, by a statement in writing, to show cause why such building or other structure or such work should not be removed, altered or pulled down; or

(b) on such day and at such time and place as shall be specified in the notice to attend personally or by an agent duly authorised in writing in that behalf before the Council and show sufficient cause why such building or structure should not be removed, altered or pulled down.

(2) When an owner or builder upon whom a notice was served under subsection (1) fails to show sufficient cause why the building or other structure or work which is the subject of the notice should not be removed, altered, or pulled down, the Council may remove, alter or pull down the building or other structure or work.

(3) Subject to section 182, the expenses incurred by the Council in removing, altering or pulling down a building or other structure or work under this section shall be a joint debt due to the Corporation by the owner and builder and, until payment, shall be a charge on the premises on which the building or other structure was commenced or completed, or the work executed.

Power conferred by this section to be in addition to any other remedy.

(4) The power conferred by this section is in addition and without prejudice to any other remedy provided by this Part or by any written law providing for the recovery of any penalties for breach of any Building Regulations.

No building to be removed except after notice to the Corporation.

164. (1) No person may pull down or remove from its site any building within any Municipality unless, not more than fourteen days and not less than two days before such removal, he gives notice in writing to the Chief Executive Officer of his intention to pull down or remove such building.

Form A. Ninth Schedule.

(2) The notice to be given under this section shall be in the form set out as Form A in the Ninth Schedule.

(3) Any person who pulls down or removes any building from its site, and any owner of any such building who causes or permits any building to be removed from its site without having first given the notice prescribed by this section is liable to a fine of four thousand dollars.

(4) Every such building pulled down or removed in contravention of this section shall, until the contrary is proved, be presumed to have been pulled down or removed by the owner thereof.

Owner of vacant land to notify Chief Executive Officer of removal of house therefrom.

165. (1) The owner of land from which any building within a Municipality is pulled down or removed shall, within seven days after such pulling down or removal, notify the Chief Executive Officer thereof.

Form B. Ninth Schedule.

(2) The notice to be given by such owner shall be in the form set out as Form B in the Ninth Schedule.

(3) Every owner of land who fails to give such notice within the time prescribed by this section is liable to a fine of one thousand dollars.

(4) This section and sections 163 and 164 do not apply to any Municipality not being a City or Borough except in any area defined by resolution of the Council and approved by the Minister.

Payments of rates before removal of house.

166. (1) No person may remove any building within a Municipality from its site unless and until all rates and charges due to the Corporation in respect of the rateable hereditament of which such building forms part are paid.

(2) Every person who contravenes the provisions of this section is liable to a fine of one thousand dollars.

(3) Where a building referred to in subsection (1) is re-erected on some other site, the Council shall in assessing the building for the current house rate year take into account the rates paid by the owner of such building before its removal from its original site.

Plans deposited to be of no effect if building is not commenced within two years.

167. (1) A Council may by notice in writing to any person who has deposited plans or sections of any buildings or other structures pursuant to this Part or to any Building Regulations declare the deposit of such plans or sections to be of no effect if the work to which the plans or sections relate is not commenced within two years from the date of deposit of such plans or sections and actively carried out thereafter.

(2) A Council shall attach a notice of the provisions of this section to its approval of every such intended work in relation to which plans and sections have been deposited.

Penalty for breach of Regulations with respect to new buildings.

168. Any person who in any Municipality—

(a) erects or alters any building without having the plans thereof approved by the Council;

(b) erects or alters any building or alters any building in any wise contrary to the plans and sections which have been approved by the Council; or

(c) otherwise offends against any of the provisions of this Part or of any Regulations made hereunder if no penalty is elsewhere prescribed,

is liable for each offence to a fine of one thousand dollars and, in the case of a continuing offence, to a further fine of one hundred dollars for every day during which such offence continues after notice thereof from the Council.

Building over drain.

169. No building may be constructed within a Municipality over any drain, ravine or storm-water channel, unless specifically agreed to by the Council and upon such conditions as the Council may consider necessary to impose.

Public buildings not to be used until approved.

170. (1) No public building within a Municipality may be occupied as such unless and until the Engineer, by notice in writing addressed to the owner, declares his approval of the construction of the building and of its adequacy and adaptability for the purpose for which it is permitted to be used.

(2) After the Engineer gives his approval, no work affecting or likely to affect the building in its structural aspects may be done to, in, or on such building without the approval of the Engineer.

Conversion into a public building of building erected for other purposes. Ch. 35:01.

171. Where permission is granted under the Town and Country Planning Act to convert or alter any building within a Municipality erected for a purpose other than a public purpose into a public building, the conversion or alteration shall be carried out, and such building shall be constructed in the manner approved by the

Engineer and provisions of this Part and of any other written law applicable to public buildings shall apply to the alteration or construction as if it were the construction of a public building.

Council may require alterations necessary for safety of public.

172. (1) Where it appears to a Council that any building in a Municipality used as a public building is not so constructed or maintained as to afford necessary protection to all persons who may resort thereto, the Council may, by notice in writing, require the owner of the building to make such alterations to the building as the Engineer may approve within the time specified in the notice.

(2) An owner who fails to comply with the requirements of the notice referred to in subsection (1) within the specified time is guilty of an offence and liable on summary conviction to a fine of five thousand dollars and to a further fine of five hundred dollars for each day that the offence continues after conviction.

(3) The Council may, in lieu of a notice referred to in subsection (1) or concurrently with such notice or at any time after service of such notice and without prejudice to the recovery of penalties for non-compliance, by notice in writing served upon the owner of a building, require the owner on or before the date specified in the notice, by statement in writing under his hand addressed to the Corporation, to show cause why the building should not cease to be used as a public building or require the owner on such date and at such time and place as may be specified in the notice to attend personally, or by an agent duly authorised in writing in that behalf, before the Council and show sufficient cause why the building should not cease to be used as a public building.

(4) Where an owner fails to show sufficient cause why a building should not cease to be used as a public building, the Council may, by notice addressed to him prohibit the use of the building as a public building.

(5) An owner who after notice prohibiting use of the building as a public building under this section uses or permits use of the building referred to in the notice as a public building, is liable on summary conviction to a fine of five thousand dollars for every day during which he uses or permits the building to be used as a public building.

(6) For the purposes of this section, "owner" includes an occupier and any person having or appearing to have the charge, management or control of any building or the part of any land or premises used as a public building.

Verandahs projecting over streets.

173. (1) No person may within any Municipality put up any verandah, balcony, sunshade, weather frame or any other similar projection so as to project over the footway of any street, except with the permission of and subject to such terms and conditions as may be prescribed by the Council.

(2) Where permission is given under subsection (1), the verandah, balcony, sunshade, weather frame or similar projection shall not be supported on pillars resting on the footway.

Door not to open over public thoroughfare.

174. No person may within a Municipality make any door, window, or gate in such manner as to open over a public thoroughfare, nor to project any door-step or landing into or across any public footpath, nor to extend or affix any sunshade, signboard, lamp, grating, gutter, or other unauthorised projection on any building in such manner as may cause obstruction, danger or annoyance in any street or to persons passing along any street, or so as to cause encroachment on or over any street save that—

(a) in the case of theatres and other public buildings, doors may, with the consent of a Council, be made to open outwards over a public thoroughfare; and

(b) with respect to all buildings, the mouldings, cornices or other architectural embellishment eaves, and gutters may project over a street to an extent not exceeding four hundred and fifty-five millimetres.

Dangerous building notice to owner.

175. Where any structure abutting on any street within a Municipality is in the opinion of the Engineer dangerous to persons using the street, he shall give notice in writing to the owner of such structure requiring him forthwith to demolish or repair the same, as the case may require, within such time as may be specified in the notice.

Ruinous or dilapidated structure to be demolished or repaired.

176. Where any structure in a Municipality is in the opinion of the Engineer ruinous or so dilapidated as to be unfit for use or occupation, or to be from any cause in a structural condition dangerous or prejudicial to property in, or to the inhabitants of, the neighbourhood, he may give notice in writing to the owner of such structure requiring him to demolish, secure, repair or rebuild the same or any part thereof or to fence-in the ground on which such structure stands, or otherwise to put the same in a state of good repair, as the case may require, to the satisfaction of the Engineer within the time specified in the notice.

Structure dangerous or prejudicial to occupier to be demolished or repaired.

177. Where it is brought to the knowledge of a Council that any internal part of a building in the Municipality is in a state dangerous or prejudicial to the occupier thereof, or of any neighbouring building, the Council shall cause the same to be surveyed and examined by the Engineer and if, as a result of the survey and examination, the Engineer is satisfied that the structure is in a state dangerous or prejudicial to the occupier or of any neighbouring building, he shall serve a notice in writing on the owner thereof requiring him to have the same shored up, demolished, secured, repaired or rebuilt, as the case may require, to the satisfaction of the Engineer within such time as may be specified in the notice.

Failure to comply with notice.

178. Where the owner fails to comply with the requirements of a notice served on him under any of section 175, 176 or 177, within the time specified in the notice, the Council or any person authorised by it in writing may make complaint of the non-compliance before a Magistrate who may by order require the owner to comply with the requirements of such notice within a time specified by him in the order.

Penalty.

179. Where an order under section 178 is not complied with within the time specified therein, the person against whom such order is made is liable to a fine of three thousand dollars and to a further fine of two hundred dollars for every day during the continuance of such non-compliance, and the Council may, without prejudice to their right to recover such penalties, enter upon the structure or on the ground upon which it stands and execute the order.

Sale of structure or part thereof.

180. Where an order directs the demolition of a neglected structure or any part thereof, the Council in executing the order may remove the materials to a convenient place and, unless the expenses incurred by the Council under this section in respect of the structure are paid to them within fourteen days after such removal, sell the same or any part thereof as and if they in their discretion think fit.

Expenses to be paid from proceeds of sale.

181. (1) All expenses incurred by a Corporation under section 180 in relation to a structure may be deducted by the Council out of the proceeds of sale of the structure and the surplus, if any, less reasonable legal costs may be paid into the Supreme Court to an account designated by a reference to the name of the Corporation, the premises from which the materials sold were taken, and this Act.

(2) The High Court or any Judge thereof may, on the petition of any person entitled or claiming to be entitled to such moneys or any part thereof, make an order for the payment of the moneys or any part thereof to the person or persons entitled thereto.

Expenses may be recovered from owners.

182. Where a structure or any part thereof is not demolished, and the materials are not sold by the Council, or where the proceeds of sale are insufficient to defray the expenses incurred by the Council under section 180 in respect of the structure, the Council may recover the expenses together with costs from the owner of such structure in a summary manner, but without prejudice to his right to recover the same from any lessee or other person liable for the expenses of repairs.

Hoardings, etc., not allowed on footway or street, except by permission of Engineer.

183. (1) Except with the permission of the Engineer who may grant permission upon a written application and upon such terms and conditions as he considers necessary to provide for the safety and convenience of pedestrians and of the occupiers of adjoining premises, no footway or thoroughfare within a Municipality shall, during any building operations or otherwise, be occupied by any hoarding or scaffolding or by any building materials.

(2) Where permission is granted pursuant to subsection (1) the person who obtains such permission shall comply with the requirements of section 62(2) of the Highways Act, and the side drains shall not be obstructed by the hoarding or by any building materials or any building debris.

Ch. 48:01.

Owner as well as builder liable for contravention of Act or Regulations.

184. (1) The owner as well as the builder shall each be liable for any act done or omitted to be done in contravention of any of the provisions of this Act or any Building Regulations.

(2) The provisions of subsection (1) shall not prejudice any remedy of an owner or other person against the builder.

Authentication of notice.

185. A notice or order under this Part or under any Building Regulations shall be sufficiently authenticated if signed by the Engineer for the Municipality in which the building or other structure that is the subject of the notice or order is situated, or by any officer duly authorised in that behalf by the Council.

Notice served on builder.

186. All notices served by the Council or the Engineer on the builder shall be as valid and binding against the owner by whom such builder is employed as if such notice had been served on the owner.

PART VIII

MARKETS AND SLAUGHTERHOUSES

Interpretation.

187. (1) In this Part—

"agricultural products" means every kind of vegetable growth that is used as food by man or for the purpose of keeping or preparing any livestock for the use of man;

"animal" means ox, calf, pig, sheep and goat;

"cold stores" means any premises or place used for keeping and preserving by a refrigeration process any agricultural products or livestock products;

"drugs" includes any substance manufactured, sold or represented for use in—

(a) the diagnosis, treatment, mitigation or prevention of disease, disorder, abnormal physical state or the symptoms thereof in man or animal; or

(b) restoring, correcting or modifying organic functions in man or animal;

"fresh meat" includes meat of any cattle, sheep, goat, pig, poultry or game slaughtered for human consumption whether locally produced or imported into Trinidad and Tobago;

"livestock products" means fresh or frozen meat, fish or poultry, including live poultry, eggs and every kind of dairy product (including milk, cream and butter) and honey and beeswax;

"market administrator" means the clerk or other person appointed to manage any public market or any other person for the time being acting as market administrator or performing the duties of such market administrator under the authority of the Council;

"marketable commodities" means agricultural products, livestock products, drugs and all goods, wares and merchandise;

"public market" means—

(a) any place appointed a public market by the Council for the sale of marketable commodities.

(b) any place to which section 188 applies, and includes all buildings, sheds, covered and open spaces and grounds comprised within any such place.

(2) This Part does not apply to a Municipality which is not a City or Borough except insofar as operation of the provisions of this Part is extended to any such Municipality by Order of the President.

Existing markets.

188. Any place lawfully established as a public market within a Municipality at the commencement of this Act is hereby declared to be a public market within the meaning of this Act and market may be held there on such days and during such hours as, at the time of the passing of this Act, have been fixed for the purpose, or on such days and during such hours as the Council may from time to time fix by Bye-laws.

Appointing places as markets. Ch. 35:01.

189. (1) Subject to the provisions of the Town and Country Planning Act, the Council may, with the consent of the President, appoint any place within the Municipality to be a public market and construct market houses or other conveniences in connection therewith.

(2) For all or any of the purposes of this section and also for the purpose of enlarging or improving any public market, a council may, subject to the provisions of the Town and Country Planning Act set apart and appropriate any land belonging to the corporation which it considers suitable for any of such purposes and lease or, in accordance with the Land Acquisition Act, acquire any land which it considers necessary for any such purpose.

Ch. 35:01.

Ch. 58:01.

Notice of opening of new market.

190. (1) Before any public market within a Municipality is opened for public use, the Council shall give not less than seven days' notice of the time when the same will be opened, and such notice shall be given by the publication thereof in the *Gazette* and also in at least one newspaper circulating within the Municipality.

Fixing market hours and goods to be sold.

(2) The Council may appoint the days and fix the hours during which such markets shall be open for business, and also determine the commodities which may be sold or exposed for sale therein.

Power to close markets.

191. The Council may, at any time, discontinue the use of any public market or any part thereof as such and, with the consent of the President, may sell or dispose of the same or any part thereof, or, subject to the Town and Country Planning Act, may use and convert the same or any part thereof for any other purpose.

Ch. 35:01.

Appointment of Market Administrator and other servants.

192. The Commission may appoint a Market Administrator of a Corporation and such other officers and employees including Inspectors of meat and other articles of foods as may be necessary.

Inspection for detecting unsound marketable commodities.

193. (1) An Inspector appointed under section 192 may inspect any marketable commodities found within a Municipality in any market or licensed shop or premises, or sold or offered, or exposed for sale elsewhere under any licence granted under this Part; and, for that purpose, he may enter any such shop or premises with proper assistants and, if in his opinion, any such marketable commodities are unfit for food, cause the same to be removed and destroyed.

(2) Any person who—

(a) assaults, resists or obstructs a Market Administrator or other person authorised by the Council to receive any stallages, rents, dues, tolls and charges payable in respect of a public market, or any person employed to superintend such market or keep order therein, whilst in the execution of his duty;

(b) prevents any Inspector or any assistant of such Inspector from entering any shop or other premises, or from making such inspection as is proper; or

(c) prevents the removal of any marketable commodities which in the opinion of the Inspector are unfit for food,

is liable on summary conviction to a fine of one thousand dollars.

Market dues.

194. (1) The Council may collect from every person occupying or using any stall, stand, table, shed or place in a public market, or bringing into any such market any marketable commodities or any other article or thing which the Council permits to be sold therein, or using any weighing instrument kept in such market, such stallages, rents, dues, tolls and charges as the Council may from time to time fix by Bye-laws made under this Part.

(2) The several stallages, rents, dues, tolls and charges payable in respect of any market shall be paid at such times and in such manner as the Council may prescribe to the Market Administrator or any other person authorised by the Council to receive them.

(3) Where any person liable for the payment of any stallage, rent, due, toll or charge does not pay the same when required to do so by the Market Administrator or other duly authorised person, the Market Administrator or other person so authorised may recover the same by seizure and immediate sale of a sufficient part of any marketable commodities in the public market which belong to such person; or such stallage, rent, due toll or charge may be recovered as a debt to the Council in any Court of competent jurisdiction.

Existing tolls, etc., to continue to be payable.

195. All stallages, rents, tolls and charges payable immediately prior to the commencement of this Act in respect of any of the existing public markets shall continue in force and be payable in respect of such markets as if such stallages, rents, tolls and charges had been fixed under this Act.

Bye-laws.

196. (1) A Council may make Bye-laws for all or any of the following purposes:

(a) for regulating the use of public markets within the Municipality and directing the manner of occupying and using the stalls, stands, tables, sheds and places therein;

(b) for prescribing the conditions subject to which the stalls, stands, tables, sheds and places shall be held, occupied or used by the persons hiring or using the same, and for imposing on such persons such duties as the Council considers necessary for ensuring that the stalls, stands, tables, sheds and places occupied by them and all blocks, axes, saws and other implements or instruments and all scales used by them are properly cleaned and kept clean;

(c) for regulating the use of weighing instruments belonging to the Corporation and used in such markets, and preventing the use of false or defective weights, scales or instruments by any person selling in any such market;

(d) for restricting the sale or display of certain classes or kinds of marketable commodities to designated areas in any public market or prohibiting the introduction of such marketable commodities to any such market;

(e) for preventing nuisances or obstructions in any such market or in the immediate approaches thereof;

(f) for maintaining order and prohibiting any disorderly behaviour;

(g) for excluding and removing from any such market, persons suffering from any infectious or contagious disease;

(h) for prescribing measures to be taken by vendors of marketable commodities in any such market to protect such commodities from contamination by flies and dust or otherwise;

(i) for prohibiting, restricting or controlling the introduction of fresh meat for sale in the Municipality;

(j) generally, for the good government of such markets and for the carrying into effect of the provisions of this Part.

Bye-laws to be exhibited in market and published.

(2) All Bye-laws made by a Council under this section shall be printed, and a copy thereof exhibited in a conspicuous part of every public market to which such Bye-laws apply. The Bye-laws shall also be published in the *Gazette* and in one newspaper circulating within the Municipality.

Markets only in specified areas.

197. (1) No person may hold market for the sale of fresh meat, fish or other marketable commodities in any place within a City or Borough not being a public market under this Act.

(2) For the purposes of this section, an owner or occupier of any place or premises within a City or Borough who permits or allows two or more persons to attend at any time to sell at such place or premises is deemed to be holding a market.

(3) Any person who attends a market referred to in subsection (1) and sells at the same is liable to a fine of two hundred dollars for every such offence.

(4) Any person who contravenes the provisions of subsection (1) is guilty of an offence and liable on conviction to a fine of two thousand dollars for each day on which the offence continues after conviction thereof.

Licence to salesman of meat or fish.

198. (1) No person, whether owner of the fresh meat or fresh fish or not, shall ply or act as a vendor of fresh meat or fresh fish at

any stall, table or place in any public market without having first obtained a licence for the purpose from the Council.

(2) Every person who contravenes this section is liable to a fine of two hundred dollars for each day on which he so contravenes.

Meat and fish to be sold only in public market or licensed shop, etc.

199. (1) No person may sell or offer for sale any fresh or frozen meat or fish within a City or Borough except in a public market or in a shop, store or warehouse licensed for such sale by the Council of the Corporation.

Prohibition of sale of marketable commodities not being fish or meat.

(2) Within any City or Borough, no person may sell or offer for sale any marketable commodity not being fresh or frozen meat or fish except in a public market or under and in accordance with the terms of a licence in that behalf granted by the Council.

Penalty for breach of subsection (1).

(3) Any person who contravenes subsection (1) is liable to a fine of two thousand dollars.

(4) Any person who contravenes subsection (2) is liable to a fine of one thousand dollars.

Penalty for breach of subsection (2).

(5) Every Council of a City or Borough shall keep posted in a conspicuous place on the grounds or building of every public market a copy in legible letters of subsections (1), (2), (3) and (4).

In Regional Municipalities commodities to be sold in public markets or licensed shops, etc.

200. (1) In any Municipality, not being a Borough or City, no person may sell or offer for sale any fresh or frozen meat, fish, poultry or agricultural products in any place within a radius of one and a half kilometres of any public market, or a shop, store or warehouse established or operated for the sale of such commodities and licensed for such sale by the Council of the Corporation.

(2) Any person who contravenes subsection (1) is liable to a fine of one thousand dollars.

(3) The Council of a Corporation other than a City or a Borough shall keep posted in a conspicuous place on the market grounds or buildings a copy in legible letters of subsections (1) and (2).

Licences generally.

201. (1) Any licence issued by a Council under this Part shall be granted for such period and on payment of such fees and upon such terms and conditions as the Council may from time to time prescribe and shall specify the premises in respect of which it is issued.

(2) Any Bye-laws made under section 196 may, so far as it is applicable, be embodied in the conditions prescribed by the Council in a licence issued under this section.

(3) A Council may not issue a licence under this Part unless there has first been filed with the Council a certificate issued by the Director responsible for the administration of the Town and Country Planning Act certifying that use of the premises specified in the licence for the purpose for which the licence is granted will not contravene the requirements of the Town and Country Planning Act. Ch. 35:01.

Cold stores to be licensed. Ch. 35:01.

202. (1) Subject to the Town and Country Planning Act, the Council may grant a licence for the use of any premises within a Municipality as cold stores.

(2) No person within a Municipality may—

(a) use any premises as cold stores without having first obtained a licence for that purpose from the Council, or

(b) sell fresh meat or fresh fish from such premises except under a licence granted under section 199(2).

(3) Any person who contravenes any provision of subsection (2) is guilty of an offence and liable to a fine of two thousand dollars and to a further fine of two hundred dollars for each day that the offence continues after written notification thereof by the Chief Executive Officer to such person.

Selling meat or fish.

203. Any fresh meat or fresh fish delivered from any cold stores within a Municipality whether such delivery is made in pursuance of a contract of sale or otherwise (except meat or fish delivered at any premises licensed for the sale of meat or fish under this Part or at any public market within the Municipality) shall be deemed to be sold within the meaning of this Part.

Dues payable on meat or fish sold from licensed cold stores.

204. The licensee of any cold stores shall pay to the Council, in respect of all fresh meat or fresh fish sold from such cold stores, tolls or dues at such rates as may from time to time be appointed by resolution of the Council, but not exceeding in any case the tolls or dues payable in respect of meat sold in the public market licensed for the sale of meat under this Part.

Bye-laws.

205. The Council may make Bye-laws for enforcing cleanliness in all cold stores within a Municipality, for fixing the hours during which fresh meat or fresh fish may be delivered therefrom, for imposing on the licensee of any cold stores the obligation of making such returns as to the quantities and description of any fresh meat or fresh fish received into such cold stores and the destination of any fresh meat or any fresh fish delivered therefrom as the Council may consider necessary for the purposes of this Part and generally for more efficiently carrying out the provisions of this Part relating to cold stores.

Landing of fish for sale.

206. (1) No fresh fish intended for sale shall be landed on any part of the foreshore within a City or Borough except at such place or places, and upon payment of such fees, and upon such conditions as may from time to time be appointed and prescribed by the Council.

(2) Notice of any landing place appointed under this section shall be published in the *Gazette* and in at least one newspaper circulating within the Municipality.

(3) Any person who contravenes this section is liable to a fine of one thousand five hundred dollars.

Provision of public slaughter-houses. Ch. 35:01.

207. (1) Subject to the Town and Country Planning Act, the Council may, with the approval of the President, acquire land for the erection of buildings belonging to the Corporation as public slaughterhouses for the slaughtering of animals and as soon as such buildings are ready for use, the Council shall give notice of the time the buildings will be opened and such notice shall be given by the publication thereof in the *Gazette* and also in at least

one newspaper circulating in the Municipality; and subject to subsection (2), no person may within a Municipality slaughter any animal intended for human consumption elsewhere than in a public slaughterhouse provided by the Council.

All animals to be slaughtered at public slaughter-houses.

(2) A person of the Muslim or Hindu faith may, on a requisition signed by him, obtain a permit to be issued by the Chief Executive Officer permitting such person to slaughter animals for religious purposes, and not for sale, at premises to be named in such permit outside the public slaughterhouse.

(3) No person may sell, offer or expose for sale within a Municipality the carcass or meat of any animal not slaughtered in a public slaughterhouse provided by a local authority.

(4) The onus of proof as to the place where the animal was slaughtered lies on the defendant.

(5) The meat of any animal for sale not slaughtered within a Municipality shall, on arrival thereat, be forthwith taken to a slaughterhouse provided by the Council for inspection and shall remain there until taken to the market.

(6) The Council may charge a fee not exceeding twenty dollars for the inspection of the carcass of each ox; and not exceeding five dollars for that of each calf, pig, goat or sheep slaughtered outside the Municipality and brought into it for sale. Such fee may be recovered in like manner as provided in this Part for the recovery of market dues.

(7) Any person who contravenes this section is liable to a fine of five hundred dollars.

Bye-laws for slaughterhouses and detention stations.

208. (1) The Council may make Bye-laws with respect to the management, good government and use of any slaughterhouse and detention station under the control of the Council and the feeding and the watering of animals taken there, and it may by such Bye-laws fix the charges to be made for the lairage, slaughtering and where necessary, the destruction of animals.

(2) Where an owner fails to comply with any Bye-laws made under this section imposing any duty on him with respect to

any animal belonging to him, the Council may without prejudice to its right to institute summary proceedings for the breach of such Bye-laws, undertake the execution of such duty; and the expenses incurred for the purpose shall be a debt due from such owner to the Corporation.

(3) Where default is made by an owner in respect of any expenses due to the Corporation under this section or any Bye-laws made thereunder, the Council may recover the expenses due by summary proceedings before a Magistrate or by sale of any animal of the owner then in the slaughterhouse or the detention station.

(4) Any sale under this section shall be by public auction notice whereof shall be conspicuously displayed for at least twenty-four hours on a notice board or other prominent place in the office of the manager or other person responsible for the administration of the slaughterhouse or detention station and the Council shall apply the proceeds of such sale, firstly, in or towards the payment of the cost and expenses of such sale, and secondly, in or towards the payment of the sums due by the owner to the Corporation and the surplus, if any, shall be paid to the person entered as the owner of the animal in the books of the Corporation.

Penalty for second offences.

209. (1) On a second or subsequent conviction for any offence under this Part or any Bye-laws made hereunder, the convicting Magistrate may in his discretion, in addition to any other penalty which he may impose, order that the offender be not allowed to sell in any market and that his licence be forfeited.

(2) The Council may cancel the licence issued to any person under this Part or refuse to renew such licence where such person—

(a) has been convicted more than twice for the same or a similar offence under this Part;

(b) has assaulted any officer of the Council;

(c) has been convicted of any offence involving violence or tending to produce disorder in a market.

PART IX

PEDLARS, HAWKERS AND HUCKSTERS

Licensee to trade as pedlar, hawker and huckster.

210. (1) No person may, within a Municipality, without having first obtained a licence from the Council under the hand of the Chief Executive Officer, follow the trade or business of a pedlar, hawker or travelling huckster, or as such pedlar, hawker or travelling huckster sell or barter any merchandise or provisions, save and except the merchandise, goods, provisions and things specified in the Twelfth Schedule hereto.

Twelfth Schedule.

(2) Any person who contravenes subsection (1) is liable to a fine of two thousand dollars.

Duration of licences.

211. (1) Licences granted under this Part shall be yearly, and every such licence shall bear the date of, and commence on, the day on which it is issued, and every such licence, whensoever issued, shall expire on the last day of December next following the date of issue.

(2) In respect of licences granted by the Council under this Part, there shall be paid to the Treasurer the licence fees specified in the Thirteenth Schedule.

Thirteenth Schedule.

Register of licences.

212. The Chief Executive Officer shall, in a proper book kept by him for the purpose, enter the name of every person to whom a licence is granted under this Part, the number of every such licence, the date of its issue and the sum paid for the same.

Alteration of fees.

213. The Council may, by resolution increase, reduce or otherwise alter all or any of the licence fees payable under the Thirteenth Schedule; but no such resolution shall come into operation until one month after the first publication thereof in the *Gazette* and in one newspaper circulating in the Municipality.

Thirteenth Schedule.

Requisition for licence.

214. (1) Before any licence under this Part is granted by a Corporation, a requisition for the same shall be made and signed by the person applying to be licensed.

(2) Every such requisition shall set forth the full name of the person applying to be licensed and his place of residence.

(3) Every such requisition shall be deposited at the office of the Chief Executive Officer.

Evidence.

215. (1) Every requisition submitted to a Corporation under this Part shall be received as evidence and be deemed proof of all matters therein contained as against the party applying for the licence.

(2) Every person who falsely states any of the particulars required to be set forth in such requisition is liable to a fine of five hundred dollars.

Form of licence.

216. Every licence issued under this Part shall contain the following particulars:

(a) a distinguishing number;

(b) the full name of the licensee and his place of residence.

Change of abode of licensee.

217. (1) Whenever a person to whom the Council has issued a licence under this Part changes his residence or place of business, he shall forthwith give notice thereof in writing signed by him to the Chief Executive Officer and shall at the same time produce the licence to the Chief Executive Officer, who shall thereupon endorse a memorandum specifying the particulars of such change.

(2) Any licensee who fails to comply with the provisions of subsection (1) is liable to a fine of five hundred dollars.

Forging or counterfeiting licence.

218. Any person who forges or counterfeits, or causes or procures to be forged or counterfeited, any document purporting to be a licence issued under this Part is liable on conviction on indictment to imprisonment for twelve months.

Huckster's name to be on box, etc.

219. Every person licensed as a pedlar, hawker or travelling huckster shall cause his name and the words "Licensed Huckster", "Licensed Hawker" or "Licensed Pedlar", as the case may be, and the distinguishing number of his licence, to be painted on some conspicuous part of the outside of every trunk, box, tray, basket or other receptacle or thing in which he carries about or exposes any goods for sale, in letters and figures not less than one inch in height.

Who may lay information.

220. Informations and complaints against any person for any offence against any of the provisions of this Part may be laid or made by and in the name of any—

(a) Municipal Police Officer;

(b) authorised officer,

of the Municipality within which the offence took place.

PART X

BYE-LAWS, RULES AND REGULATIONS

Bye-laws for good government of a Corporation.

221. (1) In addition to any other Bye-laws, Rules, or Regulations which a Council is expressly authorised to make under this Act, a Council may make such Bye-laws, Rules, and Regulations as to it seems proper for the good rule and government of the Municipality and for the prevention and suppression of nuisances not already punishable in a summary manner by virtue of any written law.

(2) *(a)* Bye-laws, Rules or Regulations shall not be made, altered, amended, or repealed unless at least the prescribed number of the members of the Council is present and vote.

(b) The number of members of the Council prescribed to be present and to vote for the purposes of this subsection shall be as set out in the Third Schedule or in an Order made pursuant to section 5(2). Third Schedule.

Penalty for breach of Bye-laws.

222. A Council may by any Bye-laws, Rules, or Regulations made by it under this Part impose penalties not exceeding five hundred dollars for each offence and, in the case of a continuing offence, a further penalty not exceeding fifty dollars for each day during which such offence continues after written notice thereof from the Council and, in default of payment of such penalties, imprisonment for any term not exceeding three months.

Bye-laws to be confirmed by the President.

223. (1) Bye-laws, Rules, or Regulations made by a Council shall not take effect unless and until they have been confirmed by the President.

Publication of Bye-laws in *Gazette*.

(2) All Bye-laws, Rules, or Regulations made by a Council shall, when confirmed by the President, be published in the *Gazette* with a statement of the confirmation by the President and of the date on which they will come into force.

(3) This section does not apply to any Rules or Regulations made by a Council relating to the duties, rights, or conduct of its officers or servants, or with respect to the proceedings at meetings of the Council or of any committee thereof and the form or order of their debates; and all such Rules and Regulations have effect without being confirmed by the President or otherwise.

Bye-laws may apply to whole or part of Municipality.

224. Where a Council is empowered to make Bye-laws, Rules, or Regulations affecting premises or imposing any duties on the owners or occupiers thereof, the Council may make such Bye-laws, Rules or Regulations for the whole or for any part of the area under its jurisdiction and may make separate and different Bye-laws, Rules or Regulations for different parts of such area.

PART XI

LEGAL PROCEEDINGS

Recovery of penalties.

225. (1) Unless otherwise expressly provided, any offence under this Act or under any Bye-laws, Rules or Regulations made under this Act is punishable on summary conviction under the Summary Courts Act; and all such offences and all penalties, fines, forfeitures, costs and expenses under this Act or under any such Bye-laws, Rules or Regulations directed to be recovered in a summary manner or the recovery of which is not otherwise provided for may be prosecuted and recovered in the manner provided by the Summary Courts Act.

Ch. 4:20.

Complaints or information may be made or laid by officers of the Council duly authorised.

(2) Any information or complaint for any offence against the provisions of this Act or of any other written law, including any Bye-laws, Rules or Regulations made by the Council, for breach of the provisions whereof the Council may institute proceedings, may be laid or made in the name of the Corporation by any officer of the Corporation duly authorised in that behalf by resolution of the Council either generally or in respect of offences

against the provisions of specified written laws; and any officer authorised in that behalf by resolution of the Council may conduct the proceedings before a Magistrate in any case in which the Corporation is either a complainant or a defendant.

(3) All penalties, fines, forfeitures, costs and expenses recovered in respect of offences committed against the provisions of this Act or under any Bye-laws, Rules or Regulations made by the Corporation under this Act or under any other written law administered by the Corporation shall be received by the Magistrate and paid over by him to the Treasurer for the use of the Corporation within whose municipal boundaries the offence took place.

Penalties for offences not otherwise provided for.

226. (1) Any person who does any act in contravention of any of the provisions of this Act or of any Bye-laws, Rules or Regulations made under any power conferred by this Act, or who fails to execute any work, or to do anything which he is required to do by virtue of any of the provisions of this Act or of any such Bye-laws, Rules or Regulations or of any order or notice served upon him by a Council by virtue of this Act is, unless some other penalty is provided therefor, liable to a fine of five hundred dollars and in case of a continuing offence, to a further fine of fifty dollars for each day that such offence is continued after written notice thereof from the Council.

Continuing offence.

(2) Where the beginning of the execution of any work is an offence in respect of which the offender is liable under this Act or under any Bye-laws, Rules or Regulations, to a penalty, the existence of the work during its continuance in such a form and state as to be in contravention of the Act or of the Bye-laws, Rules or Regulations shall be deemed to be a continuing offence, but a penalty shall not be incurred in respect of such existence after the expiration of one year from the day when the offence was first discovered by the Council.

Procedure in penal actions against corporate officers.

227. (1) An action to recover a fine from any person for acting in a corporate office without having made the requisite declaration, or without being qualified, or after ceasing to be qualified, or after becoming disqualified, may be brought by any elector of the

Corporation; but no action shall lie unless the plaintiff has, within fourteen days after the cause of action arose, served a notice in writing personally on the person liable to the fine of his intention to bring the action, nor unless the action is commenced within three months after the cause of action arose.

(2) The Court or a Judge may, on the application of the defendant within fourteen days after he has been served with the writ of summons in the action, require the plaintiff to give security for costs.

(3) Unless judgment is given for the plaintiff, the defendant shall be entitled to costs to be taxed as between Attorney-at-law and client.

(4) Where any such action is brought against a person on the ground of his not being qualified in respect of estate, it shall lie on him to prove that he was so qualified.

(5) A moiety of the fine recovered shall, after payment of the costs of action, be paid to the plaintiff.

Quo warranto and *mandamus*.

228. (1) An application for an information in the nature of a *quo warranto* against any person claiming to hold a corporate office shall not be made after the expiration of three months from the time when he became disqualified after election.

(2) In the case of such an application, or of an application for a *mandamus* to proceed to an election of a corporate officer other than a Councillor, the applicant shall give notice in writing of the application to the person to be affected thereby (in this section called the respondent) at any time not less than ten days before the day in the notice specified for making the application.

(3) The notice shall set forth the name and description of the applicant and a statement of the grounds of the application.

(4) The applicant shall deliver, with the notice, a copy of the affidavits whereby the application will be supported.

(5) The respondent may show cause in the first instance against the application.

(6) When sufficient cause is not shown, the Court, on proof of due service of the notice, statement and copy of affidavits used in support of the application, may, if it thinks fit, make the rule for the information or *mandamus* absolute.

(7) The Court may, if it thinks fit, direct that any writ or *mandamus* issued be peremptory in the first instance.

Recovery of expenses from owners.

229. (1) Where a Council has incurred expenses for the repayment whereof the owner of the premises for or in respect of which the same were incurred is liable under any provision of this Act or under any agreement with the Council, such expenses may be recovered together with interest thereon at ten per cent per annum computed from the date of the service of a demand for the same to the date of payment from the owner for the time being of such premises, and, until recovery of such expenses and interest, the same shall be a charge on the premises for or in respect of which they were incurred.

Payments by instalments.

(2) Subject to subsection (3), the Council may, by order, or in any agreement with such owner, declare such expenses to be payable by annual instalments within a period not exceeding five years with interest or any part thereof may, without prejudice to the power of sale vested in the Corporation by virtue of the Rates and Charges Recovery Act, be recovered by action in any Court of competent jurisdiction from the owner or the occupier for the time being of such premises and, if paid by or recovered from the occupier, may be deducted by him from the rent due or accruing due to the owner.

Ch. 74:03.

Procedure in case of non-payment of instalment.

(3) Where any of the instalments or the interest or any part of either is in arrear and unpaid for a period of three months after the time appointed for the payment thereof, the whole amount of the expenses remaining unpaid and charged on such premises shall forthwith become payable to the Corporation and the power of sale vested in the Corporation for the amount shall forthwith become exercisable for the recovery of the outstanding instalments and interest thereon at the rate of ten per cent per annum computed from the date of payment of the last instalment, or if no instalment has been paid from the date when the expenses charged on such premises first became due and payable by the owner.

Expense caused to Corporation by contravention of Part VII or Bye-laws.

(4) Where, otherwise than in the circumstances referred to in subsection (1), a Corporation incurs any expense in consequence of the breach by any person of any provision of Part VII or any Bye-laws, the expense with interest computed at the rate of ten per cent each year from the date such expenses were incurred shall be recoverable in a summary manner by the Corporation from the person committing the breach.

Certified copies of documents to be *prima facie* evidence thereof.

230. (1) Where in any legal proceedings it becomes necessary to prove any document of a Corporation, a copy of or an extract from such document purporting to be certified to be true by the Corporation Secretary shall be sufficient *prima facie* evidence of such document.

Proof of handwriting not required.

(2) No proof shall be required of the handwriting or of the official position of the Corporation Secretary certifying in pursuance of this section to the truth of any such copy of or extract from any document.

Fee for copy or extract.

(3) For every certified copy of or extract from any document supplied by the Council in pursuance of this section, there shall be paid to the Corporation for every one hundred words or part thereof contained in such copy or extract the sum of twenty dollars.

Production of original.

(4) No officer of a Corporation shall in any legal proceeding be compellable to produce any document the contents of which can be proved by a certified copy under the provisions of this section except on the order of a Judge or Magistrate made for special cause.

Fee for production of original.

(5) Where any officer of a Corporation is required under order of a Judge or Magistrate made for special cause in pursuance of this section to produce any original document of the Corporation for the attendance of such officer upon subpoena in Court for that purpose the sum of fifty dollars.

Definition of "document of a Corporation".

(6) For the purposes of this section, "document of a Corporation" includes notices, orders and authorities given, made and issued by the Council and any entry in any rate book, account book, register or other book of a Corporation and any resolution or

other matter recorded in any Minute Book of a Corporation, and all Orders, Rules, Bye-laws, Regulations, warrants, lists, certificates, requisitions, letters, notices, receipts and any other documents whatsoever in the custody of or proceeding from a Corporation.

(7) The provisions of this section shall be deemed to be in addition to and not in derogation of any powers of proving documents given in any other part of this Act or by any other written law.

Certified copy or extract may be granted by Corporation Secretary.

(8) Notwithstanding anything contained in this section, the Corporation Secretary may grant any person desiring the same for any other purpose than as evidence in legal proceedings, a certified copy of or extract from any document of the Corporation upon payment of such fee and upon such terms as may be fixed by resolution of the Council.

Procedure for enforcing powers of entry.

231. (1) Where any officer of a Corporation or any other person is duly authorised by a Council or by a Magistrate or Justice to enter any premises for any of the purposes of this Act, such officer or person shall, on entering such premises, if required by the occupier thereof, produce to such occupier either the original or a duly authenticated copy of his authorisation, or some other sufficient evidence of his being authorised as aforesaid.

(2) The copy of the written authorisation referred to in this section shall be deemed to be duly authenticated if it purports to be signed by the Chief Executive Officer.

(3) Any person who refuses to permit any duly authorised officer or servant of a Corporation to enter any premises for any of the purposes for which its duly authorised officers or servants are authorised to enter premises by virtue of this Act, or who obstructs, hinders or delays duly authorised officers or servants of a Corporation in the execution of any of their duties under this Act or under any Bye-laws made hereunder is guilty of an offence and (unless a different penalty is expressly provided for the offence charged) is for every such offence, liable to a fine of five hundred dollars.

(4) In any information or complaint preferred or made by a Corporation or by any of its officers or servants against any person pursuant to subsection (3), the complainant may add a notice that he intends at the hearing to apply to the Magistrate for a warrant authorising him to enter such premises, by force if need be, for the purposes specified in the notice. In such cases the Magistrate may, either in addition to the penalty provided for such offence under this Act or, without imposing any penalty for the offence, by warrant under his hand, authorise the duly authorised officers or servants of the Corporation to enter such premises, by force if need be, and with such assistants as they may require, and there to execute their duties under this Act.

Tenth Schedule.

(5) The warrant issued under subsection (4) may be according to the form in the Tenth Schedule.

(6) A warrant issued under subsection (4) shall continue in force until the purpose for which the entry is necessary has been satisfied.

(7) A person who obstructs the execution of any such warrant is, without prejudice to any other proceeding that might be brought against him, liable on summary conviction to a fine of five hundred dollars for every day that he obstructs the execution thereof.

PART XII

MISCELLANEOUS FUNCTIONS

Additional functions. [8 of 1992].

232. The following functions are exercisable by a Corporation in the Municipality in addition to those already vested in it under this Act:

Ch. 54:40.

(a) the distribution of truck-borne water subject to the provisions of the Water and Sewerage Act;

(b) the provision, maintenance and control of all Corporation buildings;

(c) the maintenance and control of homes for the aged established by the Corporation;

(d) subject to any other written law, the maintenance and control of childcare centres established by the Corporation;

(e) the construction and maintenance of all drains and watercourses, except main drains and watercourses, and drains along main roads and highways;

(f) the provision, maintenance and control of such parks, recreation grounds, beaches and other public spaces as the President may from time to time by Order prescribe;

(g) the promotion of development within the Municipality in accordance with plans approved by the Minister with responsibility for physical planning;

(h) the maintenance of State property including—

such police stations, health centres, post offices, and other government buildings as the Minister to whom responsibility for construction and maintenance of buildings is assigned may by Order determine;

(i) ***(Deleted by Act No. 8 of 1992);***

(j) the disposal of garbage from public and private property, the development and maintenance of sanitary landfills, chemical treatment for insect and vector control, abatement of public nuisances and dissemination of information for primary health care;

(k) ***(Deleted by Act No. 8 of 1992);***

(l) the co-ordination of local and regional trade fairs, athletic events and cultural displays and entertainment;

(m) the collection and distribution of forms issued by Departments of Government;

(n) the maintenance and control of burial grounds and crematoria, subject to the provisions of the Burial Grounds Act and the Cremation Act; Ch. 30:50. Ch. 30:51.

(o) the provision, maintenance and control of public pastures and recreation grounds, subject to the provisions of the Recreation Grounds and Pastures Act; Ch. 41:01.

(p) such other functions as the President may from time to time by Order prescribe.

PART XIII

ASSOCIATION OF LOCAL GOVERNMENT CORPORATIONS

Association of Local Government Corporations.

233. (1) There is hereby established for the purposes set forth in subsection (2) an Association to be known as the Association of Local Government Corporations of Trinidad and Tobago (referred to below as "the Association") consisting of all members of Local Government Corporations.

(2) The objects of the Association are to promote the common interests of all local government bodies and more particularly—

(a) to promote the effective and efficient management of Municipal Government Corporations;

(b) to act as a medium of communication and to confer with Government Corporations;

(c) to provide representations on Government or Public Bodies.

Chairman and Executive Committee of Association.

234. (1) The affairs of the Association shall be managed by a Chairman, a Vice-Chairman and an Executive Committee consisting of not fewer than five nor more than nine members elected by the members of the Association from among themselves.

(2) The Chairman shall be the Chief Executive Officer of the Association with the approval of the President, shall have supervision over and direction of the work of the Association and the duties to be performed by the other members of the Executive Committee and the duties to be performed by such members of the staff.

(3) A Municipal Corporation may, subject to the approval of the Association, pay a reasonable subscription whether annually or otherwise to the funds of the Association.

(4) The staff of the Association of Local Government Corporations shall consist of such public officers as may be assigned to it.

Code of ethics.

235. Subject to the approval of the President, the Association shall develop, adopt and keep under review a Code of Ethics to which its members must adhere and, until a Code of Ethics is so adopted, the "Code of Ethics for Parliamentarians including Ministers" adopted by resolution of Parliament shall, in so far as it is appropriate to the conduct, functions and duties of members of Local Government Corporations, apply *mutatis mutandis*.

PART XIV

DISCIPLINARY PROCEEDINGS

236. to 252. ***(Repealed by Act No. 8 of 1992).***

PART XV

REGIONAL CO-ORDINATING COMMITTEES

Co-ordinating Committee.

253. (1) In every Municipality there shall be established a Co-ordinating Committee with responsibility for ensuring efficiency in the management of operations and co-ordinating the delivery of services.

(2) The Co-ordinating Committee shall comprise—

(a) the Mayor of the Council;

(b) the head of the district or regional operations of the Water and Sewerage Authority;

(c) the head of the district or regional operations of the Trinidad and Tobago Electricity Commission;

(d) the District or Regional Officer responsible for main roads in the area;

(e) the District or Regional Officer responsible for drainage and irrigation in the area;

(f) the Medical Officer of Health;

(g) the Chief Executive Officer;

(h) a secretary to the Co-ordinating Committee appointed by the Council;

(i) such other officers of Central or Local Government and other persons as the Minister may upon the request of a Council appoint.

(3) The Mayor shall be Chairman of the Co-ordinating Committee.

(4) The Chief Executive Officer and the Secretary shall have no right to vote on decisions of the Co-ordinating Committee.

Power to establish own procedure.

254. The Co-ordinating Committee shall establish the procedure to be followed for the conduct of its business and shall meet as often as it considers necessary and shall report to the Minister every three months.

PART XVI

GENERAL PROVISIONS

Form, authentication, and service of notices, etc.

255. (1) Notices, orders, accounts, demands and any other documents required to be served, given or delivered by the Council under this Act or any other written law, or under any Bye-laws, Rules or Regulations of the Council, may be in writing or print, or partly in writing and partly in print; and, if the same require authentication, shall be sufficiently authenticated by the name of the Chief Executive Officer or any other duly authorised officer of the Corporation being affixed thereto in print or in writing.

(2) Service of any notice under this Act or any Bye-laws, Rules or Regulations made hereunder, on any owner or occupier shall be effected by handing the same to him or leaving the same at his usual place of abode, or, where the owner or occupier is absent from Trinidad and Tobago, or is unknown, or cannot be found, by posting a copy of such notice on the premises to which it is related.

(3) Any notice, order, or document required or authorised to be served upon any body or person under this Act or any Bye-laws, Rules or Regulations made hereunder, may be served by the same being addressed to such body or person and being left at or transmitted through the post to the following addresses respectively:

(a) in the case of the President, the office of the Cabinet Secretariat;

(b) in the case of the Postmaster General, the General Post Office;

(c) in the case of the Chief Technical Officer (Works), the Permanent Secretary, Ministry of Works;

(d) in the case of any company having a registered office, the registered office of such company;

(e) in the case of a company having an office or offices, but no registered office, the principal office of such company; and

(f) in the case of any other person, the usual or last known place of abode of such person.

(4) Any notice, order or document by this Act required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description.

Power to attach conditions to consent.

256. (1) Where a Council is authorised under this Act or any other written law or any Bye-laws, Rules or Regulations made by the Council to refuse its consent to the execution of any work or the doing or omitting to do any act or thing by the owner of any premises, the Council may, instead of refusing such consent, grant the same, subject to such terms and conditions in relation to the subject matter of such consent as the Council thinks fit, and any breach of any such terms or conditions shall be deemed, as regards liability to penalties and other consequences, equivalent to the doing or omitting to do such act or thing without the required consent.

(2) All consents given by the Council under this Act or any other written law shall be given in writing, and, unless

otherwise prescribed, shall be under the hand of the Chief Executive Officer or the Engineer or any other officer of the Corporation duly authorised in that behalf.

Misnomer or misdescription.

257. (1) No error, misnomer, or inaccurate description of any person, body corporate or place in any notice, list, register, roll or rate book required by this Act shall in any way hinder the full operation of this Act with respect to that person, body corporate or place, or affect the liability of any premises to any rate or charge payable in respect thereof.

(2) The Council may at any time correct any such errors, misnomers or inaccurate descriptions, and make such amendments in any such notices, lists, registers, rolls or rate books as may be necessary to correct any such errors and to make the entries conformable to fact, to any resolutions of the Council relating to such entries and to the provisions of this Act.

Statutory increase.

258. (1) Every rate, charge or sum of money due to a Corporation under or by virtue of any of the provisions of this Act or of any other written law, if unpaid for a period of three months after becoming due, shall be increased by a sum equal to ten per cent of the rate, charge or sum so unpaid.

(2) This section shall not apply to sums due to a Corporation in respect of which interest after the date on which they become due is payable to the Corporation under this or any other written law for the time being in force, nor to any rate or charge to which any other period of time is herein prescribed for the imposition of the said increase.

Remission of statutory increase.

259. Where the Council is satisfied that, by reason of special circumstances, it would be inequitable to require payment of any statutory increase, it may remit such increase and refund the same if it has been paid.

Computation of time.

260. (1) Where, by this Act, any payment, act or proceeding is required, directed or allowed to be made, done or taken on a certain day, then if that day happens upon a Sunday, Good Friday,

Christmas Day or any other day declared by any written law or by any proclamation by the President issued under any written law to be a close holiday in all public offices, the payment, act or proceeding shall be considered as made, done or taken in due time if it is made, done or taken on the next day following, not being one of the days in this section specified.

(2) Where, by this Act, any payment, act or proceedings is required, directed or allowed to be made, done or taken within any time not exceeding seven days, the days in this section specified shall not be reckoned in the computation of such time.

Authentication of licence.

261. (1) All licences which the Council may be authorised to grant under this Act or any other written law for the time being in force may, unless otherwise expressly provided, be granted by and under the hand of the Chief Executive Officer or any other officer of the Corporation duly authorised in that behalf.

Duplicate licence.

(2) If any person to whom a licence has been granted by the Council under this Act or under any other written law satisfies the Chief Executive Officer that such licence has been lost or defaced, the Chief Executive Officer may, on payment of a fee of five dollars, order the issue to him of a duplicate licence, and the duplicate so issued shall have the same effect as the original licence.

(3) This section shall not apply to any other written law wherein it is expressly otherwise provided.

Power to withhold, suspend, or revoke licence.

262. (1) Where the Council is authorised under this Act to grant a licence for any purpose, it may refuse to grant any such licence whenever it considers such refusal to be necessary or desirable in the interest of the public, and it may suspend for such time as it thinks fit or revoke, any licence granted by it upon breach by the licensee of any of the terms and conditions subject to which the licence was granted or for any other reason which in its opinion renders such suspension or revocation necessary or desirable in the interests of the public; but the Chief Executive Officer may at any time, if it appears advisable to him suspend any licence pending the decision of the Council.

(2) Any person who considers himself aggrieved by the withholding, suspension or revocation of any licence granted under this Act may appeal to a Magistrate after the expiration of seven days from such withholding, suspension or revocation; but the person so aggrieved shall give four clear days written notice of such appeal and the grounds thereof to the Corporation, and the Magistrate shall have power to make such Order as seems just and proper and to award costs to the successful party.

Execution of works on default of owner.

263. Where, under this Act or any Bye-laws, Rules or Regulations made hereunder, any work of any kind is required to be executed or carried out by the owner of any premises within a Municipality and default is made in the execution of such works within the prescribed time, the Council may in its discretion cause such work to be executed or carried out; and the expense incurred by the Council in respect thereof, with ten per cent added thereto, shall be a debt due to the Corporation by the owner for the time being of such premises and, until paid to the Corporation, shall be a charge on the premises in or in respect of which such work was executed.

Charges on premises to be preferential to other encumbrances.

264. Where any rate, charge or sum of money payable to a Corporation under this Act or any other written law is declared to be a charge on any premises, such charge shall be prior and preferential to all existing or future charges or encumbrances thereon, save and except charges for debts due to the State and charges thereon in respect of other rates and charges or sums of money due to the Corporation.

Apportionment of expenses of works between different owners.

265. Where, under any provision of this Act, the Council constructs, carries out or does any works which are for the common benefit of two or more premises belonging to different owners, the expenses which are recoverable from the owners shall be paid by the owners of such premises in such proportions as shall be determined by the Engineer or other officer of the Corporation duly authorised in that behalf and, until payment, the sum apportioned to each of such premises shall be a charge on the premises.

Plans, etc., deposited to become property of Corporation.

266. All applications, notices, plans and other documents delivered at the office of a Chief Executive Officer or of an Engineer in pursuance of this Act or of any other written law or of any Bye-laws, Rules or Regulations made thereunder, shall, on delivery, become the property of the Corporation.

Powers conferred by written law to be cumulative.

267. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on a Corporation by any other written law or custom.

Schedules—power to alter or amend.

268. The Council may, by resolution, alter or amend any of the forms or tables of articles or fees set out in any of the Schedules to this Act; but no such resolution shall come into force until it has been approved by the President, and published in the *Gazette*.

Government policy directions.

269. (1) The Minister may give general or specific directions to any Council in relation to Government policy touching or concerning any matter; and it shall be the duty of the Council to govern its actions in accordance with any such directions.

(2) Where a Council wilfully neglects or, refuses to carry out its responsibilities in relation to a particular matter, the President may by Order transfer responsibility for that matter to the Minister.

Power to investigate.

270. The Minister may investigate any matter concerning the affairs of any Corporation and it shall be the duty of all holders of corporate office and officers and employees of the Corporation to provide their willing assistance in any such investigation.

Power of President to dissolve a Council and appoint Commissioner.

271. (1) Subject to subsections (2) and (3), on receipt of an address from the House of Representatives on a petition signed by not less than one-half in number of the electors in the lists of electors for the electoral area of a Corporation, the President may, by an Order published in the *Gazette*, dissolve the Council.

(2) An Order for the dissolution of a Council shall not be valid, unless in and by such Order a time is fixed for the election of a new Council under the provisions of this Act in lieu of the Council so dissolved, not more than two years from the date of such Order.

(3) The President may at any time vary such Order to the extent of diminishing the time fixed for the election of a new Council and substituting an earlier date for such election; but notice of such change of date shall be given by publication in the *Gazette* at least one calendar month in advance.

(4) When a Council is dissolved, the following consequences shall ensue:

(a) the Mayor, Deputy Mayor, Aldermen and Councillors shall, as from the date specified in the Order, vacate their offices as such;

(b) all powers, duties and liabilities of the Council shall as from such specified date and until a new Council is constituted under this Act, be exercised, performed and discharged by such persons not less than three in number as the President may from time to time appoint in that behalf to be designated Commissioners for the Corporation; one of the Commissioners shall be appointed by the President as Chief Commissioner on whom shall devolve all the powers and duties assigned to the Mayor under this Act;

(c) all property, real and personal, dues, chattels and valuable securities belonging to or vested in the Corporation, or in its occupation, control or management shall, during the period aforesaid, vest in the Commissioners aforesaid, or be in their occupation, control and management;

(d) all moneys, funds, rates, tolls, dues, charges, rents, fines, profits and advantages, claims and demands to which the Corporation is entitled shall also be transferred to and vest in the Commissioners;

(e) all debts and claims then due or thereafter to become due from and payable by the Corporation shall be discharged and paid by the Commissioners in the same manner at the same time and subject to the same conditions, as the same respectively would have been due and payable if the Council had continued to exist.

(5) The Commissioners may in respect of their duties as such receive from the revenues of the Corporation such remuneration as the President may from time to time prescribe.

(6) A Commissioner shall be recoverable from office for any cause deemed sufficient by the President.

Continuation of collective agreements and union representation.

272. Upon the commencement of operations by the Municipal Corporations referred to in section 4 (in this section, otherwise referred to as "successor Municipal Corporations")—

(a) any collective agreement that immediately prior thereto affected workers who were employees of a County Council shall continue to have effect in relation to such workers and shall bind a successor Municipal Corporation by which such workers are employed;

(b) a trade union which immediately prior thereto represented workers employed by a County Council shall continue to represent such workers in their industrial relations with any successor Municipal Corporation by which such workers are employed.

Extension of term of office of serving members. [36 of 1995 13 of 2003 14 of 2006 18 of 2007 11 of 2008 5 of 2009].

273. (1) Notwithstanding the provisions of any written law relating to the term of office of members of the Councils constituting the local authorities, the term of office of members of local authorities holding office on the 13th September, 1990, is hereby extended for a period of one year or to such date as the President may specify by Order published in the *Gazette* whichever first occurs.

(1A) With effect from 29th December, 1995—

(a) subject to paragraph *(b)*, the Councillors and Aldermen of each Corporation whose terms of office expired on the 27th day of September, 1995 shall comprise an Advisory Committee of that Corporation on the same terms and conditions of service that they enjoyed as Councillors and Aldermen, except that each

Advisory Committee shall cease to exist upon the election of Councillors and the appointment of Aldermen in consequence of elections held under section 11(4B);

(b) the person who held the office of Deputy Chairman of the Sangre Grande Regional Corporation on the 26th day of September, 1995 shall assume the office of the Chairman of the Sangre Grande Regional Corporation.

(1B) Subject to subsection (1C) the Councillors and Aldermen of each Corporation whose term of office expired on the 12th day of July, 2002 are deemed to have become an Advisory Committee of that Corporation from the 13th day of July, 2002 on the same terms and conditions of service that they enjoyed as Councillors and Aldermen, except that each Advisory Committee shall cease to exist upon the election of Councillors and the appointment of Aldermen in consequence of elections held under section 11(4C).

(1C) The person who held the office of Deputy Chairman of the San Juan/Laventille Regional Corporation on the 12th day of July, 2002 is deemed to have assumed the office of the Chairman of the San Juan/Laventille Regional Corporation from the 4th day of October, 2002.

(1D) Notwithstanding section 11(4) and (4A) and sections 12(5) and 15(1), only for the purposes of the elections due in the year 2006—

(a) the term of office of each Councillor shall continue for twelve months from the date of the expiry of the existing term of office, as though each Councillor had been elected for an additional period of one year; and

(b) subject to sections 15(2) and 12(6) the term of office of each Mayor, Deputy Mayor and Alderman shall expire at the end of the existing term and—

(i) the Councillors shall elect Aldermen for a term of twelve months, in accordance with section 13; and

(ii) the Councillors and Aldermen shall elect a Mayor or Deputy Mayor of the Council for a term of twelve months, in accordance with section 14.

(1E) All powers exercisable by Councillors, Mayors and Aldermen under the Act, shall be exercisable by them during the period referred to in subsection (1D).

(1F) Notwithstanding subsection (1D), for the purposes only of the elections due in the year 2007, the term of office of the Mayor, Aldermen and Councillors holding office in a Corporation on the 13th July, 2007, is hereby extended for a period of one year from the date of expiration of such term.

(1G) All powers exercisable by Mayors, Aldermen and Councillors under the Act shall be exercisable by them during the period referred to in subsection (1F).

(1H) For the purposes only of the elections due in the year 2008, the term of office of the Mayors, Aldermen and Councillors, holding office in a Corporation which was extended for one year pursuant to subsection (1F), is hereby extended for a further period of one year from the date of expiration of such term.

(1I) All powers exercisable by Mayors, Aldermen and Councillors under this Act shall be exercisable by them during the period referred to in subsection (1H).

(1J) Notwithstanding section 11(4) and (4A) and sections 12(5) and 15(1), only for the purposes of the elections due in the year 2009—

(a) the term of office of each Councillor shall continue for twelve months from the date of the expiry of the existing term of office, as though each Councillor has been elected for an additional period of one year; and

(b) subject to sections 12(6) and 15(2), the term of office of each Mayor, Deputy Mayor and Alderman shall expire at the end of the existing term and—

(i) the Councillors shall elect Aldermen for a term of twelve months, in accordance with section 13; and

(ii) the Councillors and Aldermen shall elect a Mayor or Deputy Mayor of the Corporation for a term of twelve months in accordance with section 14.

(1K) All powers exercisable by Councillors, Mayors and Aldermen under the Act, shall be exercisable by them during the period referred to in subsection (1J).

(2) In this section, "local authority" means the Council of a Municipal Corporation referred to in section 3 or a County Council within the meaning of the County Councils Act (repealed by this Act).

FIRST SCHEDULE

Section 3.

LIST OF CORPORATIONS CONTINUED UNDER THIS ACT

1. Name of Corporation:	*Law under which Established*
The Mayor, Aldermen, Councillors and Citizens of the City of Port-of-Spain	The Port-of-Spain Corporation Ordinance [Ch. 39. No. 1 (1950 Ed.)]

BOUNDARIES OF THE CITY OF PORT-OF-SPAIN

The City of Port-of-Spain comprises the area which is bounded as follows:

NORTH —From the point on the north-western boundary of the City of Port-of-Spain as indicated by a monument on the north-western corner of lands of the Church of England proceeding eastwards on a bearing of 299°.09' for a distance of 173.2 feet to a monument; thence on the same bearing for a distance 2,679.6 feet to another monument; thence on a bearing of 290°.06' crossing Fort George Road to a point about 1,330 feet from the junction of the said Fort George Road with the Western Main Road; thence in a generally north-easterly direction along the southern boundary of Fort George Road to the boundary line between lands now or formerly of Charles Ross and the Public Cemetery; thence north-eastwards along the said boundary line passing between lands now or formerly of Charles Ross and the Public Cemetery to the South bank of Murray Ravine; thence in a generally south-easterly direction along the South bank of the Murray Ravine to Bournes Road Ravine; thence in a generally north-easterly direction along the South bank of the Bournes Road Ravine into and along the West bank of the Belle Vue Ravine to the point where it is crossed by Belle Vue Road; thence south-eastwards along Belle Vue Road to Long Circular Road; thence eastwards along Long Circular Road to Saddle Road; thence in a generally easterly and then south-easterly direction along Saddle Road to Circular Road; thence south-eastwards along Circular Road to the point at its intersection with Lady Young Road; thence north-eastwards and then eastwards along the Lady Young Road to the point at the north-eastern boundary of the City of Port-of-Spain.

EAST —From the last mentioned point proceeding southwards along the eastern boundary of the City of Port-of-Spain to the point

FIRST SCHEDULE—*Continued*

where Blenman Lane meets Belle Eau Road; thence south-eastwards along Belle Eau Road to the point where it crosses Santa Barbara Ravine (the eastern boundary of the City of Port-of-Spain); thence in a generally south-easterly and then southerly direction along the eastern boundary of the City of Port-of-Spain to a point on Laventille Road; thence in a generally south-westerly direction along Laventille Road to a point where an imaginary straight line drawn due North from the south-eastern boundary of the Powder Magazine meets it; thence proceeding southwards along the said imaginary straight line to the south-eastern boundary of the Powder Magazine (the eastern boundary of the City of Port-of-Spain); thence continuing southwards along the eastern boundary of the City of Port-of-Spain to a point on the sea coast.

SOUTH —From the last mentioned point proceeding in a generally westerly direction along the said sea coast to the point at the south-western corner of lands of the Church of England at Ocean Avenue (the south-western boundary of the City of Port-of-Spain).

WEST —From the last mentioned point proceeding north-eastwards along the western boundary of the lands of the Church of England (western boundary of the City of Port-of-Spain) to the point at the north-western corner of the lands of the Church of England on the north-western boundary of the City of Port-of-Spain as indicated by a monument at the point of commencement.

II. Name of Corporation:	*Law under which Established*
The Mayor, Aldermen, Councillors and Citizens of the City of San Fernando	The San Fernando Corporation Ordinance [Ch. 39. No. 7 (1950 Ed.)]

BOUNDARIES OF THE CITY OF SAN FERNANDO

The City of San Fernando comprises the area which is bounded as follows:

NORTH —Commencing at a point on the sea coast at the mouth of the Guaracara River proceeding in a generally easterly direction along the South bank of the Guaracara River to the point where it is crossed by Solomon Hochoy Highway.

EAST —From the last mentioned point proceeding southwards along Solomon Hochoy Highway to Tarouba Extension Road, thence eastwards along Tarouba Extension Road to Allamby Street Extension; thence in a generally south-westerly direction along Allamby Street Extension to Allamby Street; thence in a generally southerly direction along Allamby Street to Naparima-Mayaro Road; thence westwards along Naparima-Mayaro Road to Corinth Road; thence in a generally southerly direction along Corinth Road to its intersection with Cipero Road; thence proceeding southwards along an imaginary straight line to the point on the North bank of the Cipero River.

SOUTH —From the last mentioned point proceeding in a generally westerly direction along the North bank of the Cipero River to the point where it is crossed by the San Fernando Bye-Pass; thence southwards along the San Fernando Bye-Pass to the South Trunk Road; thence in a generally south-westerly direction along the South Trunk Road to the point where it crosses Oropouche River; thence northwards along Oropouche River to the point at its mouth on the sea coast.

WEST —From the last mentioned point proceeding in a generally northerly direction along the said sea coast to the point at the mouth of the Guaracara River at the point of commencement.

III. Name of Corporation:	*Law under which Established*
The Mayor, Aldermen, Councillors and Citizens of the Borough of Arima	The Arima Corporation Ordinance [Ch. 39. No. 11 (1950 Ed.)]

BOUNDARIES OF THE BOROUGH OF ARIMA

The Borough of Arima comprises the area which is bounded as follows:

NORTH —By a line commencing at a point at the $1^1/_4$ mile on the northern side of the Blanchisseuse Road proceeding in a south-easterly direction along the northern side of the said road to its point of intersection with Arima Bye-Pass Road; thence continuing in a generally south-easterly direction along the eastern side of the Arima Bye-Pass Road to the point of intersection with Cocorital Road (also called Maturita Trace).

FIRST SCHEDULE—*Continued*

EAST —By the eastern side of the Cocorital Road (also called Maturita Trace) from the Arima Bye-Pass Road proceeding southwards along the eastern side of the Cocorital Road to the southern side of the Eastern Main Road; thence south-westerly along the southern side of the Eastern Main Road to the point where it meets the eastern bank of the Arima River; thence in a generally south-easterly direction along the Eastern Bank of the said river to the Churchill-Roosevelt Highway.

SOUTH —By the southern side of the Churchill-Roosevelt Highway from the Arima River proceeding westwards to the Mausica River.

WEST —By the left bank of the Mausica River from the Churchill-Roosevelt Highway (obliquely opposite the Arima Race Club) proceeding in a generally northerly direction along the said river to the northern boundary of the Eastern Main Road; thence in a generally south-westerly direction along the said road to a point near a monument which lies on the western boundary of a parcel of land owned now or formerly by J. L. Pinder; thence in a direction of 02°.37' to the aforementioned monument; thence in the same direction for 525.4 Links to another monument thence in a direction of 02°.37' and for 926.3 Links to a monument; thence for a distance for some 20 Links to a point at the intersection of the southern boundary of the Old Arima Road and the eastern boundary of a parcel now or formerly the property of Adrian Vincent; thence in an easterly direction along the southern boundary of the Old Arima Road to a point at the intersection of the latter with the left bank of the Mauxiquita Ravine; thence in a generally northerly direction along the left bank of the said ravine to a point where it meets the southern boundary of a parcel of land now or formerly owned by Werner Bruno Carl Hillebrand referred to in Vol. 1385—Folio 125 of the Real Property Register Book as Alleuluiah Estate comprising (38a. 3r. 1p.); thence eastwards along the southern boundary of the said parcel of land to the western side of Calvary Branch Trace formerly known as Marine Branch Trace; thence proceeding in a generally north-westerly direction along the western side of the said Marine Branch Trace to a point where it is met by the extension of a line with bearing 349°.38' and forming part

of the western boundary of a parcel of land leased now or formerly to S. P. Balmansingh and containing (5a. 3r. 03p.); thence along that said line to the north-western corner of the said parcel; thence proceeding north-easterly along an imaginary straight line to the point at the $1^1/_4$ Mile Mark on the Blanchisseuse Road that is at the point of commencement.

IV. Name of Corporation:	*Law under which Established*
The Mayor, Aldermen, Councillors and Citizens of the Borough of Point Fortin	The Point Fortin Corporation Act, No. 12 of 1980

BOUNDARIES OF THE BOROUGH OF POINT FORTIN

The Borough of Point Fortin comprises the area which is bounded as follows:

NORTH —From the point on the sea coast at the northern end of Erin Road at the eastern boundary of Cedros Ward proceeding in a generally north-easterly direction along the said sea coast to the point on the West bank of Vance River.

EAST —From the last mentioned point proceeding in a generally south-easterly direction along the West bank of the said river to the point where it is crossed by the Southern Main Road.

SOUTH —From the last mentioned point proceeding in a generally south-westerly direction along the Southern Main Road to the point where it crosses the eastern boundary of Cedros Ward at Erin Road.

WEST —From the last mentioned point proceeding in a generally northerly direction along Erin Road (the eastern boundary of Cedros Ward) to the sea coast at the point of commencement.

Section 4.
[8 of 1992].

SECOND SCHEDULE

LIST OF MUNICIPAL CORPORATIONS ESTABLISHED UNDER THIS ACT

FIRST PART

1. Name of Corporation:

The Mayor, Aldermen, Councillors and Citizens of the Borough of Chaguanas

BOUNDARIES OF THE BOROUGH OF CHAGUANAS

The Borough of Chaguanas comprises the area which is bounded as follows:

NORTH —From the point at the mouth of the Madame Espagnol River on the sea coast proceeding first in a generally easterly then north-easterly direction along the West bank of the Madame Espagnol River to Bejucal Canal; thence northwards along Bejucal Canal to the point where it crosses the northern boundary of the Ward of Chaguanas; thence eastwards along the said Ward Boundary to and along Munroe Road to Cunupia Railway Station Road; thence continuing eastwards along Cunupia Railway Station Road to the point where it meets the Southern Main Road.

EAST —From the last mentioned point proceeding in a generally southerly direction along the Southern Main Road to the point where it meets the West bank of the Cunupia River; thence in a generally south-easterly direction along the West bank of the Cunupia River to its confluence with the Claire Le Riche River also known as the Ghandia River; thence in a generally south-westerly direction along the West bank of the Claire Le Riche River also known as the Ghandia River to the point where it is crossed by the Ragoonannan Road; thence westwards along Ragoonannan Road to Longdenville Local Road; thence southwards along Longdenville Local Road to Poker Road; thence eastwards along Poker Road to Paul Augustus Road; thence southwards along Paul Augustus Road to Depot Road; thence in a generally westerly direction along Depot Road to the north-western corner of lands of Rampall (15a. 0r. 0p.); thence southwards along the western boundary of lands of Rampall (15a. 0r. 0p.); thence southwards along the western boundary of lands of Rampall (15a. 0r. 0p.); to its

south-western corner at the Trinidad Government Railway Reserve formerly known as the Rio Claro Line; thence north-westwards along the said railway reserve to Railway Road; thence southwards along Railway Road to Caparo Valley-Brasso Road; thence in a generally southerly direction along Caparo Valley-Brasso Road to the point where it crosses the North bank of the Caparo River.

SOUTH —From the last mentioned point proceeding westwards along the North bank of the Caparo River to the North bank of the Honda River; thence first westward and thence north-westward along the North bank of the Honda River to the North bank of the Caparo River; thence in a generally westerly direction along the North bank of the Caparo River to the point at its mouth on the sea coast.

WEST —From the last mentioned point proceeding in a generally northerly direction along the said sea coast to the point at the mouth of the Madame Espagnol River at the point of commencement.

SECOND PART

1. Name of Corporation:

The Chairman, Aldermen, Councillors and Electors of the Region of Diego Martin

BOUNDARIES OF THE REGION OF DIEGO MARTIN

The Region of Diego Martin comprises the area which is bounded as follows:

NORTH —From the Point Rouge on the sea coast proceeding in a generally north-easterly direction along the said sea coast to the point where it meets the eastern boundary of the Ward of Diego Martin.

EAST —From the last mentioned point proceeding in a southwards and then south-westwards direction along the eastern boundary of the Ward of Diego Martin to the point at its south-eastern boundary at the northern boundary of the City of Port-of-Spain where Saddle Road meets Cotton Hill.

SOUTH AND EAST —From the last mentioned point proceeding in a generally north-westerly and then westerly direction along

SECOND SCHEDULE—*Continued*

Saddle Road to Long Circular Road; thence westwards along Long Circular Road to Belle Vue Road; thence north-westwards along Belle Vue Road to the point where it crosses the West bank of Belle Vue Ravine; thence in a generally south-westerly direction along the West bank of the Belle Vue Ravine into and along the South bank of the Bournes Road Ravine to Murray Ravine thence in a generally north-westerly direction along the South bank of the Murray Ravine to a point on the boundary between lands now or formerly of Charles Ross and the Public Cemetery; thence south-westwards along the said boundary line passing between the lands now or formerly of Charles Ross and the Public Cemetery to a point on the southern boundary of Fort George Road; thence in a generally south-westerly direction along the southern boundary of Fort George to a point about 1,330 feet from the junction of the said Fort George Road with the Western Main Road; thence on a bearing of 290°.06' crossing Fort George Road to a monument; thence on the same bearing for a distance of 2,679.6 feet to a monument; thence on a bearing of 299°.09' for a distance of 173.2 feet to a monument at the north-western corner of lands of the Church of England; thence proceeding south-westwards along an imaginary straight line passing along the western boundary of the lands of the Church of England to the point at its south-western boundary at Ocean Avenue on the sea coast; thence proceeding first in a generally westerly and then northerly direction along the said sea coast to Point Rouge at the point of commencement. This Regional District includes the islands of Chacachacare, Huevos, Monos, Gaspar Grande, Gasparillo, Carrera, Cronstadt, the Five Islands and all other small islands as lie in close proximity to the said regional district.

II. Name of Corporation:

The Chairman, Aldermen, Councillors and
Electors of the Region of San Juan/Laventille

BOUNDARIES OF THE REGION OF SAN JUAN/LAVENTILLE

The Region of San Juan/Laventille comprises of:

NORTH —From the point of the sea coast at the north-western boundary of the Ward of St. Ann's proceeding in a generally easterly direction along the sea coast to the point at the mouth of the Yarra River.

EAST —From the last mentioned point proceeding in a generally southerly direction along the Yarra River to the point at its source at a ridge of hills forming part of the Northern Range (southern boundary of Blanchisseuse Ward) thence north-westwards along the said ridge of hills forming part of the Northern Range (southern boundary of Blanchisseuse Ward) to the point where it crosses the eastern boundary of the Ward of St. Ann's; thence in a generally southerly direction along the eastern boundary of the Ward of St. Ann's to the point at its junction with Hutton Road and the Eastern Main Road; thence westwards along the Eastern Main Road to the point at the junction with the Uriah Butler Highway; thence in a generally southerly direction along the Uriah Butler Highway to the point where it crosses the northern boundary of the Ward of Chaguanas (Munroe Road).

SOUTH —From the last mentioned point proceeding westwards along the northern boundary of the said Ward (Munroe Road) to the point where it is crossed by Bejucal Canal; thence southwards along Bejucal Canal to its confluence with Madam Espagnol River, thence in a generally south-westerly and then in a westerly direction along the west bank of the Madam Espagnol River to the point at its mouth on the sea coast.

WEST —From the last mentioned point proceeding in a generally north-westerly direction along the said sea coast to the point at the mouth of the Caroni River; thence in a generally northerly and then westerly direction along the sea coast to the point where an imaginary straight line drawn southwards from the south-eastern boundary of the Powder Magazine meets it; thence proceeding northwards along the said imaginary straight line to the south-eastern boundary of the Powder Magazine, (the eastern boundary of the City of Port-of-Spain); thence continuing northwards along the said imaginary straight line to the point on Laventille Road; then north-eastwards along Laventille Road and continuing northwards along the eastern boundary of the City of Port-of-Spain to Santa Barbara Ravine; thence in a generally north-westerly direction along Santa Barbara Ravine; to the Point where it is crossed by Belle Eau Road; thence north-westwards along Belle Eau Road to the point where it meets Blenman Lane; thence proceeding northwards along the eastern boundary of the City of Port-of-Spain to the point at its north-eastern boundary on Lady Young Road; thence westwards and then south-westwards along the

SECOND SCHEDULE—*Continued*

Lady Young Road to its intersection with Circular Road; north-westwards along Circular Road to its junction with Cotton Hill at the western boundary of the Ward of St. Ann's; thence north-eastwards along the western boundary of the Ward of St. Ann's to the point where it meets a ridge of hills separating the St. Ann's and the Santa Cruz Valleys; thence northwards along the said Ward boundary to the point at its north-western boundary on the sea coast at the point of commencement.

III. Name of Corporation:

The Chairman, Aldermen, Councillors and Electors of the Region of Tunapuna/Piarco

BOUNDARIES OF THE REGION OF TUNAPUNA/PIARCO

The Region of Tunapuna/Piarco comprises of:

NORTH —From the point of the sea coast at the mouth of the Yarra River proceeding in a generally easterly direction along the sea coast to the point on the north-eastern boundary of the County of St. George (as described in section 2 of the Division of Trinidad Act, Ch. 26:01).

EAST —From the last mentioned point proceeding in a generally southerly direction along the eastern boundary of the County of St. George (as described in section 2 of the Division of Trinidad Act, Ch. 26:01) to wit: "by a line commencing from the sea at the point North of the north-eastern corner of land originally granted to Bascillia Coa and running South along the eastern boundary of the said lands and the eastern boundaries of lands originally granted to Luciana Casadillo, Edward John and Bascillia Romero and thence southwards until it reaches the crest of the ridge of hills forming the eastern watershed of the Madamas River; thence along the eastern and southern watershed of the Madamas River to Aripo Trigonometrical Station No. 86; thence along the western watershed of the Cuare River to that spur on which Palmar Trigonometrical Station No. 87 is situate and along the above-mentioned spur to the west bank of the Aripo River; thence in a generally southerly direction along the west bank of the Aripo River to the point at its confluence with the Caroni River.

SOUTH —From the last mentioned point proceeding in a generally south-westerly direction along the north bank of the Caroni River to El Carmen Branch Road; thence in a generally south-westerly direction along El Carmen Road to Caroni Road also known as Caroni South Bank Road; thence in a generally southerly direction along the latter road to the point where it crosses the north bank of the Guayamare River; thence in a generally westerly direction along the north bank of the Guayamare River to the point where it crosses the eastern boundary of Mon Plaisir Estate at the Mon Plaisir Branch Trace; thence southwards along the said trace passing along the eastern boundary of the Mon Plaisir Estate to Mon Plaisir Road to the point where it meets the Southern Main Road; thence southwards along the Southern Main Road to the point where it meets the Cunupia Railway Station Road; thence proceeding westwards along the Cunupia Railway Station Road to Munroe Road to the point where it meets Uriah Butler Highway.

WEST —From the last mentioned point proceeding in a generally northerly direction along the Uriah Butler Highway to the point at its junction with the Eastern Main Road; thence eastwards along the Eastern Main Road to the point at its junction with Hutton Road at its western boundary of the Ward of Tacarigua; thence in a generally northerly direction along the western boundary of the Ward of Tacarigua to its northern boundary; thence eastwards along the northern boundary of the Tacarigua Ward (Main Ridge of hills forming part of the Northern Range) to the point at the south-western boundary of lands to Carlos Prieto (10a. 2r. 11p.); thence proceeding eastwards along the said Ward boundary to the point at the source of the Caura River; thence south-eastwards along the said ridge of hills forming part of the Northern Range (southern boundary of the Blanchisseuse Ward) to the source of the Yarra River; thence in a generally northerly direction along the Yarra River to the point at its mouth on the sea coast at the point of commencement.

SECOND SCHEDULE—*Continued*

IV. Name of Corporation:

The Chairman, Aldermen, Councillors and
Electors of the Region of Sangre Grande

BOUNDARIES OF THE REGION OF SANGRE GRANDE

The Region of Sangre Grande comprises the area which is bounded as follows:

NORTH —From the point on the sea coast at a point North of the north-eastern corner of lands originally granted to Bascilla Coa on the north-eastern boundary of the County of St. George (as described in section 2 of the Division of Trinidad Act, Ch. 26:01) proceeding in a generally easterly direction along the said sea coast to Galera Point.

EAST —From the last mentioned point proceeding in a generally southerly direction along the sea coast to the point at the North bank of the Dubloon River at its mouth.

SOUTH —From the last mentioned point proceeding westwards along an imaginary straight line across Nariva Swamp to the point where Plum Mitan Road crosses the North bank of the Poole River; thence continuing in a generally westerly direction along the North bank of the Poole River to the point where it crosses the eastern boundary of the Central Range Reserve; thence proceeding westwards along an imaginary straight line passing across the Central Range Reserve (39,706a. 2r. 34p.) to the point where the Guaico-Tamana Road meets Edwards Trace; thence southwards along Guaico-Tamana Road to the northern boundary of the Central Range Forest Reserve (40,151a. 1r. 11p.) thence westwards along the northern boundary of the said Reserve to the point where it is crossed by the Cumuto Main Road.

WEST —From the last mentioned point proceeding in a generally northerly direction along Cumuto Main Road to its junction with Tamana Road at the eastern boundary of the County of St. George (as described in section 2 of the Division of Trinidad Act, Ch. 26:01); thence proceeding in a generally northerly direction along the eastern boundary of the County of St. George to its north-eastern boundary (as described in section 2 of the Division of Trinidad Act, Ch. 26:01) on the sea coast at a point North of the north-eastern corner of lands originally to Bascilla Coa at the point of commencement.

V. Name of Corporation:

The Chairman, Aldermen, Councillors and
Electors of the Region of Mayaro/Rio Claro

BOUNDARIES OF THE REGION OF MAYARO/RIO CLARO

The Region of Mayaro/Rio Claro comprises of:

NORTH —From the point where the Guaico-Tamana Road meets Edwards Trace proceeding eastwards along an imaginary straight line passing across the Central Range Reserve (39,706a. 2r. 34p.) to the point where the north bank of the Poole River crosses the eastern boundary of the Central Range Reserve; thence in a generally easterly direction along the north bank of the Poole River to the point where it crosses Plum Mitan Road; thence proceeding eastwards along an imaginary straight line passing across the Nariva Swamp to the point on the sea coast at the north bank of the Dubloon River at its mouth.

EAST —From the last mentioned point proceeding in a generally southerly direction along the sea coast to Galeota Point.

SOUTH —From the last mentioned point proceeding in a generally westerly direction along the sea coast to a point on the south-western boundary of the Trinity Ward at Canari Point.

WEST —From the last mentioned point proceeding northwards along the western boundary of the said Ward to the point at its north-western boundary at the north bank of the Poole River; thence in a generally westerly direction along the north bank of the Poole River to the point where it meets the north-western corner of lands of Augustin Valdez (4a. 2r. 22p.); thence proceeding eastwards along the northern boundary of lands of Augustin Valdez (4a. 2r. 22p.) and a contiguous parcel owned by the said Augustin Valdez (9a. 3r. 16p.) to its north-eastern boundary where it abuts San Pedro Trace; thence in a generally north-easterly direction along the said trace to San Pedro Road; thence northwards along San Pedro Road to the point where it crosses the Trinidad Government Railway Reserve formerly known as the Rio Claro Line, thence eastwards along the said Railway Reserve to the south-eastern corner of lands of Richard O'Connor (19a. 3r. 27p.); thence northwards along the eastern boundary of the said lands to its north-eastern corner at the Tabaquite-Rio Claro Road; thence

SECOND SCHEDULE—*Continued*

north-westwards along the said road to Mahangasingh Trace; thence north-eastwards along the said trace to Mahangasingh Crown Trace; thence northwards along the said Mahangasingh Crown Trace to the Killdeer Crown Trace; thence proceeding northwards along an imaginary straight line to and along the eastern boundary of the Central Range Reserve to the Guaico-Tamana Road; thence in a generally easterly and then northerly direction along Guaico-Tamana Road to the point where it meets Edwards Trace at the point of commencement.

VI. Name of Corporation:

The Chairman, Aldermen, Councillors and Electors of the Region of Princes Town

BOUNDARIES OF THE REGION OF PRINCES TOWN

The Region of Princes Town comprises the area which is bounded as follows:

NORTH —From the point where the Solomon Hochoy Highway crosses the South bank of the Guaracara River proceeding in a generally north-easterly direction along the South bank of the said river to the point where it is crossed by Piparo Road; thence north-eastwards along Piparo Road to Pascual Road; thence south-eastwards along Pascual Road to St. John's Trace; thence in a generally north-easterly direction along St. John's Trace into and along St. John's Road to the South bank of the Poole River; thence in a generally south-easterly direction along the South bank of the said river to the point where it crosses the eastern boundary of the Ward of Ortoire (also the eastern boundary of the County of Victoria).

EAST —From the last mentioned point proceeding southwards along the eastern boundary of the County of Victoria to the point at its south-eastern corner on the sea coast at Canari Bay.

SOUTH —From the last mentioned point proceeding in a generally westerly direction along the sea coast to the point where the Grande Riviere River meets the western boundary of the Moruga Ward at Negra Point.

WEST —From the last mentioned point proceeding due North along the western boundary of the Ward of Moruga to Rochard Douglas Road; thence eastwards along Rochard Douglas Road to Kanhai Road; thence northwards to Kanhai Road to

St. Croix Road; thence in a generally north-westerly direction along St. Croix Road to Cipero Road; thence in a generally north-westerly direction along Cipero Road to the point along its junction with Corinth Road; thence in a generally north-easterly direction along Corinth Road to Naparima-Mayaro Road; thence eastwards along Naparima-Mayaro Road to Allamby Street; thence in a generally northerly direction along Allamby Street to Allamby Street Extension; thence in a generally north-easterly direction along Allamby Street Extension to the point of the junction of Tarouba Road and Solomon Hochoy Highway; thence in a generally northerly direction along the said Highway to the point where it crosses the South bank of Guaracara River at the point of commencement.

VII. Name of Corporation:

The Chairman, Aldermen, Councillors and
Electors of the Region of Couva-Tabaquite-Talparo

BOUNDARIES OF THE REGION OF COUVA-TABAQUITE-TALPARO

The Region of Couva-Tabaquite-Talparo comprises of:

NORTH —From the point at the junction of the Southern Main Road and Mon Plaisir Road to Mon Plaisir Branch Trace; thence northwards along the said Branch Trace passing along the eastern boundary of Mon Plaisir Estate (425a. 0r. 13p.) to the point where it crosses the south bank of the Guayamare River; thence eastwards along the south bank of the said river to the point where it is crossed by Caroni Road also known as the Caroni South Bank Road; thence in a generally northerly direction along Caroni Road to El Carmen Branch Road; thence in a generally north-easterly direction along El Carmen Branch Road to the point where it crosses the South bank of the Caroni River; thence in a generally north-easterly direction along the south bank of the said river to the point at the confluence of the Caroni, the Aripo and the Cumuto Rivers (the easterly boundary of the County of St. George as described in section 2 of the Division of Trinidad Act, Ch. 26:01).

EAST —From the last point mentioned proceeding in a generally southerly direction along the eastern boundary of the County of St. George (as described in section 2 of the Division of Trinidad

SECOND SCHEDULE—*Continued*

Act, Ch. 26:01), to the point at the junction of Tamana Road and Cumuto Main Road; thence in a generally southerly direction along Cumuto Main Road to the point where it crosses the northern boundary of the Central Range Reserve; thence eastwards along the northern boundary of the Central Range Reserve to the point on Guaico-Tamana Road; thence in a generally southerly and then westerly direction along Guaico-Tamana Road to the point where it crosses the eastern boundary of the Central Range Reserve, thence southwards along the eastern boundary of the said Reserve to and along an imaginary straight line drawn due North from the junction of Mahangasingh Crown Trace and the Branch of Killdeer Crown Trace, thence proceeding southwards along the said imaginary straight line to the junction of Mahangasingh Crown Trace and the Branch of Killdeer Crown Trace; thence southwards along Mahangasingh Crown Trace to Tabaquite-Rio Claro Road; thence south-eastwards along the said road to the north-eastern corner of lands of Richard O'Connor (19a. 3r. 27p.); thence southwards along the eastern boundary of the said lands to its south-eastern corner of the Trinidad Government Railway Reserve formerly known as the Rio Claro Line, thence westwards along the said Railway Reserve to the point where it is crossed by San Pedro Road; thence southwards along the said road to San Pedro Trace; thence in a generally south-westerly direction along the said Trace to the north-eastern corner of lands of Augustin Valdez (9a. 3r. 16p.); thence westwards along the northern boundaries of the said lands and a contiguous parcel owned by the said Augustin Valdez to the point where it meets the east bank of the Poole River.

SOUTH —From the last mentioned point proceeding in a generally north-westerly direction along the northern bank of the Poole River to the point where it is crossed by St. John's Road; thence south-westwards along St. John's Road into and along St. John's Trace to Pascual Road; thence north-westwards along Pascual Road to Piparo Road; thence south-westwards along Piparo Road to the point where it crosses the north bank of the Guaracara River; thence in a generally south-westerly direction along the north bank of the said river to the point where it is crossed by Solomon Hochoy Highway; thence proceeding in a generally westerly direction along the north bank of the Guaracara River to the point of its mouth at the sea coast.

WEST —From the last mentioned point proceeding in a generally northerly direction along the said sea coast to the point at the mouth of the Caparo River; thence proceeding in a generally easterly direction along the south bank of the Caparo River to its confluence with the Honda River to and along the south bank of the Caparo River to the point where it is crossed by the Caparo Valley-Brasso Road; thence continuing northwards along the Caparo Valley-Brasso Road to Railway Road; thence north-westwards along Railway Road to the point where it crosses a Railway Reserve formerly known as the Rio Claro Line; thence south-eastwards along the said Railway Reserve to the south-western corner of lands of Rampall (15a. 0r. 0p.); thence northwards along the western boundary of the said parcel of land to the point where it is crossed by Depot Road; thence in a generally easterly direction along Depot Road to Paul Augustus Road; thence in a generally northerly direction along Paul Augustus Road to Pokor Road; thence westwards along Pokor Road to Longdenville Local Road; thence northwards along Longdenville Local Road to Ragoonannan Road; thence eastwards along Ragoonannan Road to the point where it crosses the east bank of the Claire Le Riche River (Ghandia River); thence in a generally north-easterly direction along the east bank of the Claire Le Riche River (Ghandia River) to its confluence with the Cunupia River; thence in a generally north-westerly direction along the east bank of the Cunupia River to the point where it is crossed by the Southern Main Road; thence in a generally northerly direction along the Southern Main Road to the point at its junction with Mon Plaisir Road at the point of commencement.

VIII. Name of Corporation:

The Chairman, Aldermen, Councillors and Electors of the Region of Penal/Debe

BOUNDARIES OF THE REGION OF PENAL/DEBE

The Region of Penal/Debe comprises the area which is bounded as follows:

NORTH —From the point at the junction of Corinth Road and Cipero Road, proceeding in a generally south-easterly direction along Cipero Road to a point at its junction with St. Croix Road.

SECOND SCHEDULE—*Continued*

EAST —From the last mentioned point proceeding in a generally southerly direction along St. Croix Road to Kanhai Road; thence southwards along Kanhai Road to Rochard Douglas Road; thence westwards along Rochard Douglas Road to the north-eastern boundary of the Ward of Siparia; thence southwards along the eastern boundary of the Ward of Siparia to the point at its south-eastern boundary on the sea coast at Negra Point.

SOUTH —From the last mentioned point proceeding in a generally westerly direction along the said sea coast to the point where Penal-Quinam Road meets it.

WEST —From the last mentioned point proceeding in a generally northerly direction along Penal-Quinam Road to Coora Road; thence northwards along Coora Road to the point where it crosses the East bank of the Coora River; thence in a generally north-easterly direction along Coora River to its confluence with Blackwater Channel; thence in a generally north-westerly direction along Blackwater Channel to the point where an imaginary straight line drawn south-westwards from the south-eastern boundary of lands of G. Parbhoo and others (4a. 3r. 32p.) meets it; thence proceeding north-eastwards along the said imaginary straight line to the south-eastern boundary of lands of G. Parbhoo and others (4a. 3r. 32p.) where it abuts the South bank of the Godineau River (the Southern boundary of Naparima Ward); thence north-westwards along the South bank of the said river to the point at its mouth on the sea coast; thence in a generally north-easterly direction along the said sea coast to the mouth of the Oropouche River; thence southwards along Oropouche River to the point where it is crossed by the South Trunk Road; thence in a generally north-easterly direction along the South Trunk Road to the San Fernando Bye-Pass; thence northwards along the said Bye-Pass; to the point where it crosses the north bank of Cipero River; thence in a generally easterly direction along the north bank of the Cipero River to the point where it meets the prolongation of Corinth Road; thence northwards along the said prolongation of Corinth Road to its junction with Cipero Road and Corinth Road at the point of commencement.

IX. Name of Corporation:

The Chairman, Aldermen, Councillors and
Electors of the Region of Siparia

BOUNDARIES OF THE REGION OF SIPARIA

The Region of Siparia comprises the area which is bounded as follows:

NORTH —From Los Gallos Point on the sea coast proceeding in a generally north-easterly direction along the said coast to the Guapo-Cap-de-Ville Road (The Eastern Boundary of Cedros Ward); thence southwards along Guapo-Cap-de-Ville Road (Eastern Boundary of Cedros Ward) to the Southern Main Road, thence in a generally north-easterly direction along the Southern Main Road to the point where it crosses the East bank of the Vance River; thence in a generally north-westerly direction along the East bank of the Vance River to its mouth on the sea coast; thence in a generally north-easterly direction along the said sea coast to the point at the mouth of the Godineau River.

EAST —From the last mentioned point proceeding in a generally south-easterly direction along the South bank of the Godineau River (the northern boundary of the Siparia Ward) to the point where the south-eastern boundary of lands of G. Parbhoo and others (4a. 3r. 32p.) meets it; thence proceeding south-westwards along an imaginary straight line to the point on Blackwater Channel; thence south-eastwards along Blackwater Channel to its confluence with Coora River; thence in a generally south-westerly direction along the west bank of the Coora River to the point where it is crossed by Coora Road; thence southwards along Coora Road to Penal-Quinam Road; thence in a generally southerly direction along Penal-Quinam Road to the point on the sea coast.

SOUTH AND WEST —From the last mentioned point proceeding westwards and thence north-eastwards along the said sea coast to Los Gallos Point at the point of commencement.

Section 11(2).
Section 12(2).
[13 of 2013].

THIRD SCHEDULE

NUMBER OF COUNCILLORS AND ALDERMEN TO BE ELECTED TO THE COUNCIL OF EACH CORPORATION

Name of Municipality	*Number of Electoral Districts*	*Number of Aldermen*
1. City of Port-of-Spain	12	4
2. City of San Fernando	9	4
3. Borough of Arima	7	4
4. Borough of Point Fortin	6	4
5. Borough of Chaguanas	8	4

Section 24(1).

FOURTH SCHEDULE

DECLARATION TO BE MADE BY PERSON ELECTED TO A CORPORATE OFFICE

I, ... having been elected (Mayor/Deputy Mayor/Alderman/Councillor) for the Municipality of ..... **do hereby declare** that I take the said office upon myself and will duly and faithfully fulfil the duties thereof according to the best of my judgment and ability and declare that I am qualified as follows:

**(a)* I am entitled to be and I am in fact enrolled as a burgess of the Borough for the year commencing the 1st November, ...

(b) I am a citizen of the Republic of Trinidad and Tobago.

*Not applicable to Aldermen.

FIFTH SCHEDULE

Section 54(4).

WARRANT

TO THE POLICE OFFICER ON DUTY AT THE POLICE STATION AND TO ALL OTHER POLICE OFFICERS

WHEREAS ..... was found by me the undersigned, a Municipal Police Officer for the Municipality of ..... under circumstances which rendered him the said ..... liable to be arrested by me under the Municipal Corporations Act, Ch. 25:04 and I arrested him accordingly.

NOW THESE PRESENTS are to authorise and require you the Police Officer on duty at the police station above-mentioned and to authorise all other Police Officers to keep and detain the said ..... at the said police station until he is taken before some Justice of the Peace to be dealt with according to the law or until the expiration of forty-eight hours from the time when he is received into custody at the said station whichever first happens, and for doing so this shall be your warrant.

Witness my hand this ..... day of ..... , 20.....

.....
Signed (rank)
Municipal Police Officer of

SIXTH SCHEDULE

Removed as a result of the Repeal of Part V by Act No. 18 of 2009.

Section 147(7).

SEVENTH SCHEDULE

PAVING OF FOOTWAYS—NOTICE OF APPORTIONMENT OF ONE-HALF COST

To the Owner:

Address:.....
(State here address of premises)

in the Municipality of .....

WHEREAS the Mayor, Councillors, Aldermen and Electors of .....in exercise of the power vested in them by Part VII of the Municipal Corporations Act, Ch. 25:04 have caused the footway (or portion of the footway) on the side of the street known as ..... Street, in the Municipality of ..... to be paved;

And whereas the expenses incurred by the Council in such paving amount to the sum of $ ..... one-half thereof being the sum of $.....;

And whereas the Engineer has made apportionment of the sum of $..... among the several premises abutting on such footway;

And whereas such apportionment was approved by the Council at a meeting of the Council held on the ..... day of ..... , 20.....;

And whereas in such apportionment the sum of $ ..... is entered as representing the apportioned share payable in respect of the said premises No. ..... Street.

TAKE NOTICE that the said sum of $ ..... is due and payable by you to the ..... Council by three equal yearly instalments, the first whereof to be paid one year from the date of the service of this notice, with interest thereon at the rate of ..... per cent per annum.

AND FURTHER TAKE NOTICE that, until payment of the said sum of $..... and interest thereon as aforesaid, the said premises shall stand and remain charged with the said sum of $ ..... or so much thereof as shall from time to time remain unpaid, with interest thereon at the rate above-mentioned.

N.B.—You may pay the whole of the said sum of $..... (the apportioned share) within one month from the date of the service of this notice, and if so paid, the same will be received without interest in full satisfaction of the above claim.

EIGHTH SCHEDULE

Section 160.

CONTINUATION OF EXISTING LAWS

1. In respect of the City of Port-of-Spain and insofar as such laws were in force at the commencement of this Act—

The Seventh and Ninth Schedules to the Port-of-Spain Corporation Ordinance, Ch. 39. No. 1 (1950 Edition).

2. In respect of the City of San Fernando and insofar as such laws were in force at the commencement of this Act—

The Fifth and Seventh Schedules to the San Fernando Corporation Ordinance, Ch. 39. No. 7 (1950 Edition).

3. In respect of the Borough of Arima and insofar as such laws were in force at the commencement of this Act—

The Fifth and Seventh Schedules to the Arima Corporation Ordinance, Ch. 39. No. 11 (1950 Edition).

4. In respect of the Borough of Point Fortin and insofar as such laws were in force at the commencement of this Act—

The Sixth Schedule to the Point Fortin Corporation Act, 1980 (Act No. 12 of 1980).

5. In respect of the several Municipalities referred to in the Second Schedule to this Act and insofar as such laws were in force at the commencement of this Act—

The Public Health (Streets and Buildings) Bye Laws, made under the Public Health Ordinance, Ch. 12. No. 4 (1950 Edition).

Section 164(2).

NINTH SCHEDULE

FORM A

REMOVAL OF HOUSE—NOTICE BY OWNER OF HOUSE

To the Chief Executive Officer:

Municipal Corporation of .....

I, ... the undersigned, the owner of the house now numbered and assessed as No....., standing on land belonging to .....

DO HEREBY give you notice that I intend to remove (or pulldown, as the case may be) the said house from its present site on or before the ..... day of ..... , 20.....

Dated this ..... day of ....., 20 .....

.....
Signature of Owner of House

Address: .....

Section 165(2).

FORM B

REMOVAL OF HOUSE—NOTICE BY OWNER OF LAND ON WHICH HOUSE STOOD

To the Chief Executive Officer:

Municipal Corporation of .....

I, ... the undersigned, the owner of the land on which stood the house heretofore numbered and assessed as No. .....

HEREBY NOTIFY you that the said house was removed (or pulled down, as the case may be), from my said land on or about the ..... day of ....., 20 .....

.....
Signature of Owner of Land

Address: .....

TENTH SCHEDULE

Section 231(5).

WARRANT FOR ENTRY ON PREMISES

WHEREAS .....
(Name of Authorised person)

being a person authorised under the Municipal Corporations Act, Ch. 25:04, to enter certain premises .....
(Describe here the premises)

has made application to me to authorise him the said .....
(Name of Authorised person)

to enter the said premises, and whereas I, ... am satisfied by information on oath that there is reasonable ground for such entry, and there has been a refusal or failure to admit the said ..... to such premises.
(Name of Authorised person)

NOW, THEREFORE, I, the said ..... do hereby authorise the said .....
(Name of Authorised person)

to enter the said premises, by force if need be, with such assistants as he may require, and there to execute his duty under the Municipal Corporations Act, Ch. 25:04.

Dated this ..... day of ....., 20.....

.....
Magistrate

Section 13(7). [13 of 2013].

ELEVENTH SCHEDULE

EXAMPLE OF CALCULATION OF ALLOCATION OF ALDERMEN FOR MUNICIPALITY X

A. Calculation of Quota—

Total valid votes cast		25,916
Number of seats in each Council designated for Aldermen		4
Quota = A/B	=	6,479

B. Calculation of Aldermen Allocation—

Total valid votes for Party A … … … … …	11,420
Total valid votes for Party B … … … … …	8,013
Total valid votes for Party C … … … … …	6,483
Seat allocation for Party A … …	11,420/6,479 = 1.76
Seat allocation for Party B … …	8,013/6,479 = 1.23
Seat allocation for Party C … …	6,483/6,479 = 1.00

Eliminate all fractions therefore—

Seat allocation for Party A—	1
Seat allocation for Party B—	1
Seat allocation for Party C—	1
	3

Number of vacant seats remaining to be allocated (the surplus)—

4 – 3 = 1

C. Calculation of allocation of remaining vacant seats—

(a) Multiply quota by each party's number of seats earned—

Party A — 6,479 x 1 = 6,479

Party B — 6,479 x 1 = 6,479

Party C — 6,479 x 1 = 6,479

(b) Minus for each party from the total valid votes received from each party the figures under paragraph *(a)*—

Party A — 11,420 – 6,479 = 4,941

Party B — 8,013 – 6,479 = 1,534

Party C — 6,483 – 6,479 = 4

In allotting the remaining vacant seats, start allocation with the party having the highest amount under paragraph *(b)*. Therefore Party A will be allocated the remaining seat while Parties B and C will receive no allocation.

SUBSIDIARY LEGISLATION

MUNICIPAL CORPORATIONS ORDER

133/1993.

made under section 187(2)

1. This Order may be cited as the Municipal Corporations Order. Citation.

2. The application of Part VIII of the Municipal Corporations Act is extended to the following Municipalities: Extension of application.

(a) the Region of Diego Martin;
(b) the Region of San Juan/Laventille;
(c) the Region of Tunapuna/Piarco;
(d) the Region of Sangre Grande;
(e) the Region of Mayaro/Rio Claro;
(f) the Region of Princes Town;
(g) the Region of Couva/Tabaquite/Talparo;
(h) the Region of Penal/Debe; and
(i) the Region of Siparia.

194/1996.

MUNICIPAL CORPORATIONS ORDER

made under section 48(4)

Citation.

1. This Order may be cited as the Municipal Corporations Order.

Application of Part III.

*__2.__ The application of Part III of the Municipal Corporations Act is extended to the following Municipalities:

(a) the Region of Diego Martin;
(b) the Region of San Juan/Laventille;
(c) the Region of Tunapuna/Piarco;
(d) the Region of Sangre Grande;
(e) the Region of Mayaro/Rio Claro;
(f) the Region of Princes Town;
(g) the Region of Couva/Tabaquite/Talparo;
(h) the Region of Penal/Debe; and
(i) the Region of Siparia.

*This Order no longer relates to Part V of the Act, which was repealed by Act No. 18 of 2009.

MUNICIPAL POLICE SERVICE REGULATIONS

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MUNICIPAL POLICE SERVICE REGULATIONS

300/2014. [9/2015].

made under section 60

Citation.

1. These Regulations may be cited as the Municipal Police Service Regulations.

Interpretation.

2. In these Regulations—

"acting appointment" means the temporary appointment of an officer to act in a higher office, whether that office is vacant or not;

"appointment" means the appointment of a person to an office;

"Assistant Commissioner" means the Director or Assistant Commissioner of Municipal Police;

"cohabitant" means—

(a) in relation to a man, a woman who has been living with or who has lived together with him in a bona fide domestic relationship for a period of not less than five years immediately preceding the date of his death;

(b) in relation to a woman, a man who has been living with or who has lived together with her in a bona fide domestic relationship for a period of not less than five years immediately preceding the date of her death,

but only one such relationship shall be taken into account for the purpose of these Regulations;

"cohabitational relationship" means the relationship between cohabitants, who not being married to each other, have lived together in a bona fide domestic relationship for a period of not less than five years immediately preceding the death of either cohabitant;

"dangerous drugs" has the meaning assigned to it by section 3 of the Dangerous Drugs Act; Ch. 11:25.

"disciplinary tribunal" means a disciplinary tribunal appointed under regulation 151 by the Assistant Commissioner;

"family" means an officer's spouse and children, including adopted children, his mother, father, brothers and sisters who are living with and are solely dependent on him;

"forensic DNA analysis" has the same meaning assigned to it under section 4 of the Administration of Justice (Deoxyribonucleic Acid) Act; Ch. 5:34.

"Medical Board" means a board for the medical examination of an officer, which is appointed under regulation 33 by the Assistant Commissioner of Municipal Police;

"Minister" means the Minister to whom responsibility for national security is assigned;

"non-intimate" sample has the same meaning assigned to it under section 4 of the Administration of Justice (Deoxyribonucleic Acid) Act;

"officer" means a municipal police officer, other than the Assistant Commissioner of Municipal Police;

"officer in the First Division" means a police officer who holds an office above specified in the rank of Inspector;

"officer in the Second Division" means a police officer who holds an office below the rank of Assistant Superintendent of Police;

"pensionable emoluments", in respect of service in the Service, means pay and personal allowance;

"Police Division" or "Division" means a Division determined by the Minister under regulation 35(1);

"prescribed form" or "appropriate form" means such form as may be prescribed by the Assistant Commissioner of Municipal Police;

"Service" means a Municipal Police Service established under section 48(1) of the Municipal Corporations Act; Ch. 25:04.

"spouse" includes a cohabitant;

"trainee" means a person who is undergoing training with a view to becoming an officer;

"transfer" means the movement of an officer from a Division or Branch to another Division or Branch, or from a Police Station to another Police Station.

PART I

RECRUITMENT AND APPOINTMENT

Qualification for appointment as trainee.

3. (1) A candidate for appointment as a trainee shall, subject to regulation 4—

(a) be a citizen of Trinidad and Tobago;

(b) be required to pass a medical examination conducted by a Government Medical Officer nominated for the purpose;

(c) be required to undergo a polygraph test, psychological test and be tested for dangerous drugs at the cost of the Service;

(d) be of good character as evidenced by a police certificate of character;

(e) be not less than eighteen years and not more than thirty-five years of age on the 1st January of the year in which the appointment is made;

(f) in the case of—

(i) a male, be of good physique and at least one hundred and sixty-seven centimetres in height; or

(ii) a female, be of good physique and at least one hundred and fifty centimetres in height;

(g) possess passes in five subjects in the Caribbean Examination Council or the Caribbean Advanced Proficiency Examination, including English Language, at General Proficiency at Grade I, II, or III or at Basic Proficiency at Grade I in all five subjects, or five General Certificate of Education Level passes, including English, at Grade A, B or C in all five subjects, or produce proof of having reached an equivalent or higher standard of education;

(h) possess a Trinidad and Tobago driver's permit with a Class 3 endorsement to drive light motor vehicles under the Motor Vehicles Act; Ch. 48:50

(i) be required to pass a physical examination and an agility test; and

(j) be required to pass a written examination.

(2) A candidate who fulfils the requirements of subregulation (1) may be enrolled as a trainee and shall be required, if so enrolled, to submit a non-intimate sample for forensic DNA analysis and to undergo a course of training at the Police Academy.

Recruitment procedure for trainee. Schedule 1.

4. (1) A person seeking to be a trainee shall complete an application in the form set out in Schedule 1 and submit it to the officer in charge of the Municipal Police Station nearest to which the applicant resides.

(2) Application forms for recruitment shall be made available at every Municipal Police Station.

(3) An application made under this Part shall be valid for one year.

(4) The officer in charge of the Municipal Police Station shall ensure that—

(a) each applicant is fingerprinted and traced;

(b) the necessary inquiries are made to determine the correctness of the particulars of the application and the suitability of each applicant; and

(c) a report of the inquiries is prepared.

(5) The Officer in Charge of the Police Station referred to in subregulation (1) shall submit the application form together with a report of the inquiry as required under subregulation (4) to the Director, who shall be the Recruiting Officer.

(6) The Recruiting Officer shall review all the applications for selection as a trainee and select those applicants who have met the requirements under regulation 3(1).

(7) A Recruiting Officer in selecting an applicant under this section as a trainee is not required to consider the requirements of regulation 3(1)*(c)*.

(8) The applicants who are selected under subregulation (6) shall be interviewed by a panel appointed by the Commission.

(9) The panel under subregulation (8) shall comprise of the following five members:

(a) the Recruiting Officer, who shall be the Chairman;

(b) a person appointed by the Assistant Commissioner from the Police Academy;

(c) a Police Social Worker;

(d) the Director of Human Resource of the Statutory Authorities Service Commission; and

(e) a representative from the recognised Municipal Police Service Association.

(10) The applicants who are assessed to be most suitable by the panel shall undergo a polygraph test, a psychological test and be tested for dangerous drugs at the cost of the Service.

Qualification for appointment as Band Apprentice.

5. A candidate for appointment as a Band Apprentice shall, subject to regulation 6—

(a) be a citizen of Trinidad and Tobago;

(b) be of good character as evidenced by a police certificate of character;

(c) be not less than eighteen years and not more than thirty years of age on the 1st January of the year in which the appointment is made;

(d) possess five subjects in the Caribbean Examination Council or the General Council Examination or produce proof of having reached an equivalent or higher standard of education or be required to pass an educational test to be set by the Assistant Commissioner; and

(e) be required to pass a medical examination conducted by a Government Medical Officer nominated for the purpose.

Recruitment procedure for Band Apprentice. Schedule 1.

6. (1) A person seeking to be a Band Apprentice shall complete an application in the form set out in Schedule 1 and submit it to the Director of the Municipal Police Service Band.

(2) Application forms for recruitment as a Band Apprentice shall be made available at every Municipal Police Service Station.

(3) An application made under this Part shall be valid for one year.

(4) An applicant who fulfils the requirements of regulation 5 shall be required to pass a musical test conducted by the Director of the Municipal Police Service Band.

(5) The Officer in Charge of the Municipal Police Station nearest to which the applicant resides, upon notice by the Director of the Municipal Police Service Band shall ensure that—

(a) each applicant is fingerprinted and traced;

(b) the necessary inquiries are made within a reasonable time to ensure the correctness of the particulars of the application and the suitability of each applicant; and

(c) a report of the inquiries is prepared.

(6) The Officer in Charge of the Municipal Police Station shall submit the report of the inquiry as required under subregulation (5)*(b)* to the officer or person in charge of the Police Academy.

(7) The officer or person in charge of the Police Academy shall review all applications, and select those applicants he considers most suitable.

(8) The applicants who are selected shall be interviewed by a panel appointed by the Assistant Commissioner of which the Officer in Charge of the Municipal Police Service Band shall be a member.

(9) An applicant who is assessed as suitable at the interview by the panel shall undergo a polygraph test, a psychological test and be tested for dangerous drugs at the cost of the Service.

Appointment and discharge of Band Apprentice.

7. (1) A candidate who fulfils the requirements of regulations 5 and 6 may be enrolled as a Band Apprentice.

(2) The Assistant Commissioner shall determine the course and period of training for a Band Apprentice and his appointment as Bandsman after consultation with the Officer in Charge or Director of the Municipal Police Service Band based upon an assessment of the conduct, discipline, musical ability and application of such Band Apprentice.

(3) No Band Apprentice shall be appointed a Bandsman before the age of eighteen years.

(4) A Band Apprentice who fails to satisfy the requirements of the course of training, or is otherwise not considered fit to be a member of the Service, may be discharged summarily by the Assistant Commissioner.

Service number and name tag.

8. (1) An officer on first appointment shall be given a service number, which he shall retain throughout his service.

(2) When an officer leaves the Service, his service number shall not be reissued to any other officer.

(3) An officer on first appointment shall be issued a name tag.

(4) An officer below the rank of Inspector shall wear his service number and name tag on such part of his uniform as maybe designated by the Assistant Commissioner.

(5) An officer of the rank of or above Inspector shall wear his name tag and badge of rank on such part of his uniform as may be designated by the Assistant Commissioner.

Appointment to the First Division.

9. (1) A candidate for appointment to the First Division may be selected for the First Division from among—

(a) officers in the Second Division; and

(b) persons outside of the Municipal Police Service.

(2) An officer in the Second Division who is suitable for appointment on the grounds of—

(a) experience, skills and merit; or

(b) having obtained a Bachelor Degree or produced proof of having reached an equivalent or higher standard of education from an institution recognised by the Accreditation Council of Trinidad and Tobago,

shall be eligible for appointment to the First Division.

(3) A person who is appointed under subregulation (1) is required to undergo an appropriate course of training in police duties.

(4) Notwithstanding subregulation (3), the Assistant Commissioner may exempt a person appointed under subregulation (1)*(a)* from the training required under that subregulation (3).

(5) A candidate referred to in subregulation (1)*(b)* shall possess—

(a) the qualifications specified in regulation 3(1), other than those specified in regulation 3(1)*(g)* and *(i)*; and

(b) a Bachelor's Degree, or produce proof of having reached an equivalent or higher standard of education, from an institution recognised by the Accreditation Council of Trinidad and Tobago.

Date of appointment.

10. (1) The date of appointment of an officer shall normally be the date on which he assumes the duties of the office to which he has been appointed.

(2) Where an officer is selected for appointment from outside Trinidad and Tobago, the date of appointment shall be the date specified in the letter of appointment.

PART II

PROBATION AND PROMOTION

Probation of constable.

11. The probationary period of a constable on first appointment shall be a period of two years.

Principles applicable to constable on probation.

12. The following principles shall be observed in respect of a constable during his probationary period:

(a) the constable shall be given every opportunity to learn his work and be tested as to his ability to perform it;

(b) he shall be accorded all possible facilities for acquiring experience in his duties; and

(c) he shall be subject to sympathetic supervision so far as the exigencies of the Service permit and be assigned to duty where such supervision is possible.

Probationary assessment of constable on first appointment. Schedule 2.

13. In the case of a constable on probation, the senior officer exercising control over that constable shall furnish to the Assistant Commissioner two assessments in accordance with the guidelines in Schedule 2 in the following manner:

(a) a first assessment after the constable has completed one year of service, not later than one month after the twelfth month; and

(b) a final assessment not earlier than six weeks or later than two weeks before the period of probation expires.

Dismissal of constable on probation.

14. (1) A constable who is on probation may, at any time during the period of probation, be dismissed by the Assistant Commissioner in accordance with the procedure prescribed in these Regulations.

(2) Where the Assistant Commissioner is of the view that a constable under subregulation (1) should be dismissed, the Assistant Commissioner shall, prior to the decision, give a written notice to the constable specifying the reasons and any relevant facts in detail for the proposed decision, and request the constable to respond in writing within fourteen days of the notice as to why he should not be dismissed.

(3) When the constable responds in writing, the Assistant Commissioner shall consider the response and may conduct a hearing before making his decision and the hearing shall be conducted in accordance with the procedure set out in regulations 156(2) to 167.

(4) If the constable fails to respond in writing, the Assistant Commissioner shall make his decision and immediately in writing inform the constable of the decision.

Examination Board.

15. (1) All examinations in relation to the Second Division shall be set and the papers marked by such Examination Board as may be appointed for that purpose by the Assistant Commissioner.

(2) The Assistant Commissioner shall be responsible for the conduct of the examinations set under subregulation (1).

Qualifying examination.

16. (1) An officer of the rank of Constable through to Sergeant may apply on the prescribed form to the Assistant Commissioner of Municipal Police to be allowed to take the qualifying examination for promotion to the next rank.

(2) An officer who is successful in the qualifying examination may be considered for promotion in accordance with regulation 20.

Promotion after three years of service.

17. A constable shall not be considered for promotion unless he has three years in the Service.

Advertisement of vacancy.

18. Where the Assistant Commissioner considers that—

(a) there is no suitable candidate in the Service available for the filling of any vacancy having regard to qualifications, experience and merit; and

(b) it would be advantageous and in the best interest of the Service that the services of a person not already in the Service be secured,

the Assistant Commissioner shall advertise such vacancy.

Selection for promotion to and within the First Division.

19. (1) The Assistant Commissioner shall publish a Departmental Order specifying the points system to be followed by a Supervising Officer in the preparation of a performance appraisal report.

(2) The points awarded to an officer based on his performance appraisal report shall represent—

(a) twenty-five per cent and the results of the promotional assessment process; and

(b) seventy-five per cent of his final grade as stated in the Order of Merit List mentioned in subregulation (11).

(3) An officer shall not be considered for promotion to and within the First Division unless he has attained sixty or more points on his performance appraisal report.

(4) The Assistant Commissioner shall employ a person (hereinafter referred to as "the consultant") to conduct the promotional assessment process.

(5) The consultant under subregulation (4) shall appoint such number of panels, comprising not less than three persons each, as he considers necessary.

(6) The members of each panel under subregulation (5) shall possess appropriate skills, expertise and qualifications in policing and particularly to the rank under consideration.

(7) The promotional assessment process shall comprise of two stages as follows:

(a) stage one shall require every qualifying officer to write a qualifying examination, from which only the top performing candidates as determined by the consultant shall proceed to stage two; and

(b) stage two shall be a suitability assessment process.

(8) To assess the competencies of an officer relevant to the position for which he is being considered, the suitability assessment process may include, *inter alia*, role play, exercises dealing with hypothetical situations and other appropriate methods of assessment that are consistent with contemporary professional standards and needs of policing.

(9) The consultant shall establish the competencies before conducting the suitability assessment process and such

competencies shall be given in writing to each qualifying candidate at least one week before the suitability assessment process is conducted.

(10) The competencies, which may comprise core or technical competencies, may include matters such as leadership, communication, initiative, decision making, problem solving, customer relations, integrity, and organisational awareness.

(11) Subject to subregulation (2), every officer considered for promotion shall be rated according to the results of the promotional assessment process specified in this regulation together with the points awarded to him based on his performance appraisal report and be placed on an Order of Merit List.

(12) The person shall, as soon as the promotional assessment process is completed, submit the Order of Merit List to the Assistant Commissioner, who shall immediately cause it to be published in a Departmental Order.

(13) Subject to subregulation (14), an Order of Merit List shall be valid for a period of twelve months from the date of its publication under subregulation (12).

(14) The Assistant Commissioner may extend the validity of the Order of Merit List before its expiration for a period not exceeding one year.

(15) An officer who is not promoted during the twelve-month period or such other period as ordered by the Assistant Commissioner under subregulation (14) is required to repeat the promotional assessment process.

(16) Where the officer mentioned in subregulation (15) successfully completes the promotional assessment process for three consecutive times and is not promoted, he shall be paid a qualifying allowance as from the date of the third occasion on which his name is placed on the Order of Merit List, and regulation 65(3), (4) and (5) shall apply to him as it applies to an officer under regulation 65.

Principles of selection for promotion to and within the Second Division.

20. (1) Subject to subregulation (2), the Promotion Advisory Board shall interview—

(a) an officer who has passed the qualifying examination for promotion and is recommended for promotion by the Officer in Charge of his Division or Branch;

(b) an officer who was allocated fifty or more points at the previous interview; and

(c) an officer who is eligible under subregulation (3).

(2) An officer shall not be interviewed by the Board unless he has been allocated forty or more points by the Board based on the criteria, other than the interview, listed in subregulation (5).

(3) Subject to subregulation (2), an officer who is allocated less than sixty points is eligible to be interviewed at the next sitting of the Board.

(4) Every officer considered for promotion shall be rated according to the criteria specified in subregulation (5) and each officer who is allocated sixty or more points shall be placed on an Order of Merit List.

(5) The criteria mentioned in subregulation (4) shall be as follows:

Performance Appraisal Interview	Maximum Points
40	60

(6) The Board shall submit the Order of Merit List to the Commission on the advice of the Assistant Commissioner, who shall cause it to be published in a Departmental Order.

Probation on promotion.

21. (1) An officer who is promoted to an office shall serve a probationary period of twelve months in the office to which he is promoted.

(2) Where an officer is promoted to an office in which he has performed the duties, whether in an acting or temporary capacity, for a period of equal or longer duration than the

prescribed period of probation, immediately preceding the promotion, the officer shall not be required to serve the probationary period.

(3) Where an officer is promoted to an office in which immediately preceding the promotion he has acted for a period of less than twelve months, the period of acting service shall be offset against the prescribed period of probation.

(4) Where an officer is promoted before he has completed the period of probation in his former office, the unserved portion of that period of probation shall be waived and the officer is deemed to have been confirmed in that appointment.

Performance appraisal report.

22. In the case of an officer serving a twelve-month period of probation, the senior officer in charge of that officer shall furnish to the Assistant Commissioner a performance appraisal report one month before the period of probation expires.

Confirmation of appointment.

23. Where, after consideration of the final report of the senior officer, the Assistant Commissioner is satisfied that the probationary service of the officer has been satisfactory, he shall be confirmed in his appointment with effect from the date of appointment.

Extension of probation.

24. Where the Assistant Commissioner is satisfied that the probationary service of an officer has not been satisfactory, the period of probation may be extended for one further period of six months.

Incremental date where period of probation extended.

25. Where the period of probation of an officer has been extended and he is subsequently confirmed in his appointment, the Assistant Commissioner may direct that the increment of the officer be paid with effect from—

(a) the date following that on which the extended period of probation expired without change in the incremental date; or

(b) the date following that on which the extended period of probation expired, that date would then become his incremental date.

Record keeping.

26. The Assistant Commissioner shall keep a record of every officer who has been appointed.

PART III

SECONDMENT

Secondment.

27. (1) An officer who is seconded to an office in the Public Service shall be paid the salary applicable to that office and is eligible for any increments payable to the holder of that office.

(2) The remuneration of an officer on secondment to an office out of the Service shall be paid by the receiving Ministry, public body or authority.

(3) During the period of secondment of an officer out of the Service, the officer shall continue to hold his substantive office in the Service and, notwithstanding his absence from the Service, is eligible for promotion.

(4) The period of service of an officer while on secondment shall be taken into account when calculating his pension where the secondment is to an office in another Service of the Government or where the receiving public body or authority makes the appropriate arrangement for the preservation of the pensionable service of the officer.

(5) An officer on secondment to an office in the Service is eligible for the leave applicable to that office and while on such leave he is entitled to be paid the salary payable to the holder of that office.

(6) An officer who has completed a period of secondment outside of the Service and who returns to the Service shall revert to the point in the salary scale in respect of his substantive office which he would have reached if he had not been seconded.

(7) A period of secondment shall not exceed two years.

PART IV

RESIGNATION, RETIREMENT AND TERMINATION OF APPOINTMENT

Resignation.

28. (1) Where an officer intends to resign he shall send by registered mail or deliver a written notice of his intention to resign

to the office of the Assistant Commissioner at least one month before the date on which he wishes to relinquish his appointment.

(2) Notwithstanding subregulation (1), the Assistant Commissioner in consultation with the Commission may waive the requirement of notice in whole or in part if he thinks fit.

(3) Notwithstanding regulation 82, an officer who fails without reasonable cause to comply with subregulation (1) may forfeit all leave and the benefits and privileges accruing to him in respect of leave.

(4) An officer is not entitled, except with the permission of the Commission on the advice of the Assistant Commissioner, to withdraw his notice of resignation.

Abandonment.

29. (1) An officer who is absent from duty without leave for seven consecutive days, during which time he has failed to notify his senior officer of the cause of his absence, may be declared by the Assistant Commissioner to have abandoned his office, whether he holds a permanent, temporary, or contractual appointment, and thereupon the office becomes vacant and the officer ceases to be an officer.

(2) Where an officer abandons his office under subregulation (1), regulation 28(3) shall apply.

Reasons for termination of appointment.

30. Subject to regulations 28, 29, 31, 32 and 33(2), the services of an officer maybe terminated for the following reasons:

(a) where he holds a permanent appointment—

(i) on dismissal in consequence of disciplinary proceedings; or

(ii) on the abolition of the office;

(b) where he holds a temporary appointment—

(i) on the expiration or other termination of an appointment for a specified period;

(ii) where the office itself is of a temporary nature and is no longer necessary;

(iii) on the termination of appointment in the case of an officer on probation;

(iv) on the termination of appointment in the case of an officer holding a non-pensionable office with no service in a pensionable office; or

(v) on dismissal or removal in consequence of disciplinary proceedings;

(c) where he is on contract, his services shall be terminated in accordance with the terms of the contract; or

(d) whether he holds a permanent, temporary or contractual appointment, where he is convicted for a criminal offence which carries a penalty of six or more months of imprisonment.

Retirement in the public interest.

31. (1) Where it is represented to the Assistant Commissioner that it is in the public interest that an officer should be required to retire from the Service on grounds which cannot suitably be dealt with under any of these regulations, the Assistant Commissioner shall—

(a) call for a report on the officer from the supervising officer of that officer; and

(b) take into account the officer's record during the preceding five years or, where the officer has less than five years' service, his record during his period of service.

(2) If after considering the report and record mentioned in subregulation (1) and giving the officer an opportunity of submitting a reply, the Assistant Commissioner is satisfied that it is in the public interest to retire the officer, the officer shall be required to retire on such date as the Assistant Commissioner shall determine, and he shall be retired accordingly.

(3) Where an officer is examined by a Medical Board on two or more occasions and is found fit for service but continues to be absent from duty on the ground of ill-health for a cumulative period of six months during a single twelve-month period, he shall be considered for retirement in the public interest, subject to a comprehensive review of his performance by the Assistant Commissioner and after giving the officer an opportunity to be heard.

Termination of appointment on grounds of inefficiency.

32. (1) The Commission may on the advice of the Assistant Commissioner terminate the appointment of an officer on grounds of reported inefficiency and having regard to the job performance of the officer and, where applicable, his performance appraisal reports.

(2) Where the senior officer in charge of an officer makes a recommendation in writing to the Assistant Commissioner that the appointment of the officer should be terminated on grounds of inefficiency, the officer shall be informed in writing by the senior officer of such recommendation and be given an opportunity to make representation thereon to the Assistant Commissioner and the Commission.

(3) Where the officer makes representation under subregulation (2), the representation shall be forwarded in its original form to the Assistant Commissioner.

(4) The Assistant Commissioner may, upon receipt of the recommendation under subregulation (2), cause an investigation to be made before making a final decision.

Medical Board.

33. (1) A Medical Board shall be appointed whenever it is necessary for an officer to be examined with a view to ascertaining whether he should be retired on grounds of ill health.

(2) An officer may be required by the Assistant Commissioner to undergo a medical examination by a Medical Board at any time.

(3) An officer who is required to undergo a medical examination shall submit himself to be examined by a Medical Board at such time and place as the Commission on the advice of the Assistant Commissioner may direct.

(4) Where a Medical Board is convened in accordance with subregulation (1), the Commission on the advice of the Assistant Commissioner shall make available to the Board the medical record of the officer, and any further relevant information that would assist the Board with its findings.

(5) Where an officer, through refusal or neglect to obtain specialist advice or to obtain treatment when so

recommended by the Medical Board, falls sick and in consequence is unable to perform his duties, the Commission on the advice of the Assistant Commissioner may direct that the period during which he is unable to perform his duties shall be counted as leave without pay

Unfit officer.

34. (1) An officer who is medically boarded and found unfit for further service shall not be allowed to remain on duty and shall be granted such vacation leave and accumulated vacation leave for which he is eligible or two months' leave, whichever is the greater, as from the date on which he is notified of his unfitness for further duty.

(2) Upon the expiration of the leave referred to in subregulation (1), the services of the officer shall be terminated, with such benefits that may have accrued to him.

PART V

POLICE DIVISION, DISTRICT, STATION, ETC.

Police Division, District, etc.

35. (1) For the purpose of the Act and these Regulations, there shall be such Divisions and Branches as may be determined by the Minister.

(2) Each Division shall be subdivided into Police Districts and there shall be one or more Police Stations in each District as approved by the Minister.

(3) The Commission shall publish the boundaries of Municipal Police Divisions and Police Districts in the *Gazette*.

(4) The Commission may establish such Administrative or Operational Units in the Service as approved by the Minister.

Assignment of officers to Districts, etc.

36. The Assistant Commissioner may assign any number of officers for duty to Divisions, Branches, Stations or other Administrative or Operational Units, as he considers necessary for the efficient functioning of the Service.

Building for use of Municipal Police Service.

37. (1) The Minister may assign, for the use of the Service, such buildings as may be provided or made available for that

purpose, and may make such further provision for the accommodation, training and hospitalisation of officers as may be necessary.

(2) The Minister with responsibility for health shall approve a building or other accommodation mentioned in subregulation (1) as may be deemed necessary.

PART VI

SALARIES, INCREMENTS, ADVANCES AND ALLOWANCES

SALARIES

Allowance for trainee.

38. A trainee shall receive an allowance, to be called a trainee allowance, at a rate approved by the Minister with responsibility for finance.

Salary of officer on first appointment.

39. The salary of an officer on first appointment shall be computed from the date of his assumption of duties as an officer.

Salary on promotion.

40. On promotion, an officer shall receive the salary attached to the office to which he is promoted from the effective date of his promotion or from the date he assumes the duties of the office as may be specified in his letter of promotion.

Date of payment of salary.

41. (1) Salaries shall be paid to officers on the day immediately preceding the last business day of the month, however, where the last business day falls on a Monday, salary shall be paid on the preceding Friday or the day preceding that day if Friday is a public holiday.

(2) Notwithstanding subregulation (1), the Minister with responsibility for finance may vary the date on which salaries shall be paid in any month.

(3) An officer who is proceeding on vacation leave on a date prior to the normal date on which salaries are to be paid for that month, and who will be on leave on the appointed pay day, may be paid his salary for that particular month in advance of the

normal pay day, if arrangements cannot otherwise conveniently be made for payment of his salary in accordance with subregulation (1) or (2).

(4) Subregulation (3) shall apply only in respect of the first month of the vacation leave of the officer.

Reversion to substantive office.

42. When an officer reverts to his substantive office on the termination of his acting appointment he shall be paid the salary in his substantive office, which he would have received, had he not been given an acting appointment in a higher office.

Deductions from salary.

43. (1) No money shall be deducted from the salary of an officer without prior notice in writing to him of not less than one month.

(2) The Minister with responsibility for finance shall determine the type of deduction which may be permitted to be accommodated on the pay-sheet as an approved deduction.

(3) Notwithstanding subregulation (1), the Assistant Commissioner may deduct from the salary of an officer—

(a) all fines and penalties imposed as a result of disciplinary action taken in accordance with these Regulations; and

(b) all overpayments of salary in accordance with any written law and may make such other deductions as are approved by the Minister with responsibility for finance towards the reduction or repayment of outstanding debts due to the State.

INCREMENTS

Principles of conversion.

44. (1) Where an officer is promoted, his salary shall be adjusted as follows:

(a) where the salary which the officer was receiving in the lower office immediately prior to promotion was less than the minimum salary of the higher office, then the officer shall on promotion be paid the minimum salary of the higher office, however, where the additional amount due to the officer is less than the value

of one increment in the salary range of the lower office, he shall move up to the next higher point in the salary range;

(b) where the salary which the officer was receiving in the lower office immediately prior to promotion was the same as the minimum salary of the higher office, then the officer's salary on promotion shall be adjusted to the next incremental point in the salary range of the higher office;

(c) where the salary which the officer was receiving in the lower office immediately prior to promotion was more than the minimum salary of the higher office, then the officer's salary on promotion shall first be adjusted to the incremental point in the higher salary range immediately above his salary and then be further adjusted to the next incremental point in the higher salary range.

(2) After conversion in accordance with subregulation (1), the salary of the officer shall be further adjusted to the next point in the salary range of the office to which he has been promoted on the date on which his next increment would have become due to him in the post from which he was promoted, and subsequent increments shall accrue to him on the anniversary of that date.

(3) When an officer is promoted on the date on which he was due an increment in the office from which he was promoted he shall first be granted an increment on that date and then his salary shall be adjusted in accordance with subregulation (1), and in such a case the officer shall retain the date of his promotion as his incremental date.

Additional provision as to conversion.

45. Where an officer has been acting in a higher office immediately before his appointment to that office or to an office in the same salary range as that office, he shall convert to the higher salary range in the same manner as is provided in regulation 44(1).

Payment of increment.

46. (1) Subject to subregulation (2), where an officer holds an office that has a salary range, increments shall be paid to such officer, on the completion of each year of satisfactory service until he has reached the maximum of the salary range, and the increments paid shall be in the amounts prescribed for the particular office.

(2) Increments shall be earned, and a year of service shall be taken to be satisfactory only if the Assistant Commissioner has satisfied himself and has certified on the prescribed form that the officer has during such year performed his duties with efficiency and diligence and that his conduct during the period has been satisfactory.

(3) In determining whether the service of an officer during a year has been satisfactory, the Assistant Commissioner may not take into account a specific act of delinquency if the officer qualified for an increment in other respects.

(4) The Assistant Commissioner shall sign the increment certificate on the prescribed form, effective from the date when the increment of the officer becomes due and shall attach the said certificate to the pay-sheet for the month in which the increment accrues.

Increment while acting.

47. (1) Subject to this regulation, an officer who is appointed to act in a higher office shall be paid increments in that higher office and shall continue to draw increments in his substantive office.

(2) Where an officer—

(a) was not earning increments in his substantive office, and the office in which he is acting has a salary range, he shall receive an increment in the higher salary range on the anniversary date of his acting appointment;

(b) has reached the maximum salary of his substantive office, which maximum may be equal to or greater than the minimum but less than the maximum of the higher office, he shall receive an increment in the higher salary range as stated in paragraph *(a)*.

(3) The grant of an increment under subregulation (2)*(a)* or *(b)* shall be subject to the—

(a) officer acting continuously for a period of twelve months in the higher office; and

(b) issue of an increment certificate certifying satisfactory service on the prescribed form by the Assistant Commissioner.

(4) The period of continuous acting mentioned in subregulation (3) shall not be considered to have been broken if the officer is granted normal sick leave, paternity or maternity leave during the acting appointment.

(5) Where an officer has been acting in a higher office for more than twelve months and, in accordance with subregulation (2), is in receipt of increments in such office, he shall continue to receive such increments after a break in the acting appointment, but only if—

(a) he resumed acting in the same higher office or in a higher office in the same salary range within six months of the break; or

(b) the break was caused by his proceeding on leave of any type for a period not exceeding one year and he resumes duty in the higher office within six months of his resumption of duty.

Incremental date—general provisions.

48. (1) An officer who is transferred from one office to another office that has the same salary range shall retain the incremental date of the office from which he was transferred.

(2) Where an officer has been acting in an office immediately before his appointment to it, his incremental date shall be the anniversary date of his acting appointment, if it is more advantageous to him, instead of the date on which his next increment would have become due in the post from which he was promoted.

Incremental date—probation.

49. (1) Subject to this regulation, an officer appointed or promoted on probation to an office shall not be granted an increment until he has been confirmed.

(2) Upon confirmation, an officer's incremental date shall be the anniversary of the date of appointment or in the case of promotion, in accordance with regulation 44(2).

ADVANCES

Application for advance.

50. An application for an advance under regulation 49 shall be made to the Comptroller of Accounts.

Payment of advance.

51. (1) An advance not exceeding one month's salary may be paid to an officer proceeding on vacation leave of not less than fourteen days to be spent either out of Trinidad and Tobago or in Trinidad and Tobago but away from his ordinary place of residence.

(2) An advance paid under subregulation (1) shall be paid to the officer either in Trinidad and Tobago before he proceeds on leave or at his request while he is abroad on leave.

(3) An advance not exceeding one month's salary may be made to an officer through a Trinidad and Tobago Overseas Mission in case of an emergency, each case being dealt with on its merit.

(4) Interest is payable on any advance made under this regulation, at such rates as the Minister with responsibility for finance may determine.

(5) An advance paid under this regulation, together with interest thereon, shall be repaid in not more than twelve monthly instalments or over such longer period of time as may be fixed by the Minister with responsibility for finance, the first instalment falling due at the end of the month following that in which the officer resumes duty.

(6) The Minister with responsibility for finance may authorise an advance for any purpose other than those specified in this regulation, under terms and conditions to be fixed by him.

ALLOWANCES

Acting allowance.

52. (1) An officer appointed to act in an office in a salary range that is higher than that of his substantive office shall, with effect from the date of the commencement of his acting

appointment, if the actual salary he is drawing in his substantive office is less than the minimum salary of the office in which he is appointed to act, receive the minimum salary of the higher office.

(2) An additional payment made under this regulation to an officer appointed to act in a higher office, that is over and above what he should have drawn in his substantive office, is deemed to be an acting allowance payable to him.

Grant for funeral expenses.

53. A grant shall be made at such sum as may be approved by the Minister with responsibility for finance to assist in defraying the funeral expenses of an officer who dies while in service.

Hardship allowance.

54. (1) An officer who is transferred and as a result suffers hardship, whether or not he is separated from his family, shall, on application by him, be granted a hardship allowance on the same basis as applicable to a separated officer but for such period of time as the Assistant Commissioner may direct.

(2) An application for a hardship allowance shall be submitted monthly on the prescribed form to the Assistant Commissioner and, except in special circumstances, no claim shall be entertained that is made later than three months after the period to which the claim relates.

Housing allowance.

55. (1) An officer who is not provided with appropriate quarters under regulation 113, shall be paid a housing allowance at such rates as may be approved by the Minister with responsibility for finance.

(2) An officer who marries shall report in writing to the Assistant Commissioner the fact of his marriage within three months of his marriage, and the report shall be supported by a marriage certificate.

(3) Where an officer fails to comply with subregulation (2), the housing allowance shall be payable only for the preceding three months from the date of compliance with subregulation (2).

(4) An officer shall not receive a housing allowance payable to a married officer and a housing allowance payable to an unmarried officer for the same period of time.

(5) Where an officer is married to another officer, each officer shall be paid the housing allowance payable to an unmarried officer.

(6) An officer, in receipt of a housing allowance, who is—

(a) widowed;

(b) divorced; or

(c) legally separated,

shall report the fact to the Assistant Commissioner within one month of the occurrence of the event.

(7) Subject to subregulation (8), an officer mentioned in subregulation (6) shall be paid the housing allowance applicable to a married municipal police officer up to the end of the month in which the officer became widowed, divorced or legally separated, and thereafter the officer shall be paid the housing allowance applicable to an unmarried municipal police officer.

(8) The officer mentioned in subregulation (7) may be allowed to continue to receive the housing allowance applicable to a married municipal police officer where there are children of the marriage or legally adopted children who are dependent on the officer until each child attains the age of eighteen years or marries, whichever event occurs first.

(9) An officer occupying rent-free quarters is not entitled to any housing allowance.

(10) For the purpose of subregulations (2), (3) and (4), marriage includes cohabitation.

Plain clothes allowance.

56. (1) An officer required to do duty in plain clothes shall be so authorised in writing by the Assistant Commissioner.

(2) An officer required to do duty in plain clothes shall be paid a plain clothes allowance at such rates as may be approved by the Minister of Finance for such part of a month in which he is so required to wear plain clothes, but such an allowance shall not be paid to an officer for any month in which he is required to wear plain clothes for a period of less than seven days.

Proficiency allowance.

57. (1) A proficiency allowance at rates approved by the Minister with responsibility for finance may be granted to an officer performing specified duties.

(2) Subject to subregulation (1), an officer who goes on sick leave or vacation leave may continue to be paid a proficiency allowance but only if the period for which he is on vacation leave or sick leave does not exceed fourteen days.

Temporary separation allowance.

58. (1) An officer shall be considered to be separated from his family if, as a result of an appointment or transfer, he is compelled to take up residence in another Station or District without being able to take his family with him, because—

(a) suitable accommodation cannot be found immediately in the new Division, District, Branch or Station for his family;

(b) it would not be reasonable to expect the officer to remove his family from his present residence; or

(c) he could not reasonably be expected to travel daily from his present residence to the new Station or District or both.

(2) A separated officer may be paid a temporary separation allowance related to the additional expenditure incurred by him in maintaining two households.

Conditions attached to payment of temporary separation allowance.

59. The payment of a temporary separation allowance shall be subject to the following conditions:

(a) it shall not exceed the maximum amount fixed for the allowance by the Minister with responsibility for finance;

(b) in the case of an appointment or transfer which is known to be permanent, it shall be paid for a period not exceeding three months;

(c) in the case of an appointment or transfer which is known to be or turns out to have been temporary, it shall be paid for a period not exceeding six months;

(d) extensions of the period of payment as provided for in paragraphs *(b)* and *(c)* shall be made only on the authority of the Chief Personnel Officer, to whom application by the officer shall be made promptly with full supporting reasons for the grant of an extension of time;

(e) no allowance shall be paid where the period of separation is less than one month;

(f) the officer claiming the allowance shall be required to produce a certified statement, supported by payment receipts where possible, showing the additional expenditure involved in having to maintain two households;

(g) the allowance granted shall be a sum equivalent to the additional expenditure incurred, but not exceeding the maximum amount fixed by the Minister with responsibility for finance; and

(h) an officer shall not receive both temporary separation allowance and subsistence allowance in respect of the same period.

Application for temporary separation allowance.

60. An application for a temporary separation allowance shall be submitted monthly by a separated officer on the prescribed form to the Chief Personnel Officer through the Assistant Commissioner, and, except in special circumstances, no application shall be entertained which is not made within three months after the period to which the claim relates.

Charges for extra duty prescribed.

61. (1) Subject to subregulation (2), the Assistant Commissioner may, at the written request of an organiser of such entertainment, bazaars, private assemblies or other occasions or functions as are approved by the Assistant Commissioner, provide for the services of officers for the purpose of preserving order at such entertainment, bazaars, private assemblies, other occasions or functions.

(2) An officer may only perform extra duty under subregulation (1) outside his official duty hours.

(3) Where an officer is deputed for extra duty under subregulation (1), he shall be paid for his service at the rate of

ninety per cent of the charges levied under subregulation (1) and the remaining ten per cent shall be paid into an unincorporated Trust Fund, which would be created by Regulations for the depositing of fines and charges levied under these Regulations.

(4) Nothing in this regulation shall apply in the case of a private or public Government function, except that in the case of a private Government function, the Assistant Commissioner may levy charges in accordance with subregulation (1) and make payments in accordance with subregulation (3).

(5) An officer who volunteers and is deputed for extra duty under subregulation (1) shall report for duty as required.

Subsistence and meal allowance.

62. An officer shall be paid subsistence and meal allowance at a rate approved by the Minister with responsibility for finance.

Allowance for travelling abroad.

63. An officer who is required to travel abroad on official business is entitled to such allowance as may be approved by the Minister with responsibility for finance.

Attorney allowance.

64. Notwithstanding his rank in a Municipal Police Service, an officer who is an Attorney-at-law and who is assigned to the legal department of the Service or who is not so assigned but is required to perform duties as an Attorney-at-law shall be paid an allowance, to be called an Attorney Allowance, at a rate approved by the Minister with responsibility for finance.

Qualifying allowance.

65. (1) Where an officer above the rank of constable is not promoted within three years after being interviewed by the Board for promotion, he shall, subject to regulation 20(4), be paid a qualifying allowance as from the third anniversary of the date of the examination.

(2) Where a constable is not promoted within three years after being recommended by the Board for promotion, he shall be paid a qualifying allowance as from the third anniversary of the date of the recommendation.

(3) The qualifying allowance shall be equal to an increment payable in the officer's salary range.

(4) When an officer who is in receipt of the qualifying allowance, is promoted, he shall not be paid such an allowance from the date of his promotion.

(5) Where an officer is in receipt of the qualifying allowance on the date of his retirement and has been receiving this allowance for not less than three years from that date, the allowance shall be regarded as part of his salary for the purpose of computing his pension and gratuity.

PART VII

HOURS OF WORK, RECORDS OF PERSONNEL AND PERFORMANCE APPRAISAL REPORTS

HOURS OF WORK

Work week and working hours.

66. (1) For the purpose of these Regulations, a week shall consist of seven days, the normal working hours of which shall be forty hours.

(2) The normal daily period of duty for an officer in the Second Division shall not exceed eight hours, and this may be performed in one tour.

(3) An officer shall not normally be required to be on duty beyond a period of four hours without having a break of at least one hour after the end of that period.

(4) The period of time taken as a break shall not be considered as part of the period of eight hours making up the normal daily period of duty.

(5) Every officer in the Second Division shall be granted in respect of any one week, two full days free from duty to be known as "weekly rest days" provided always that the normal work week is not reduced to less than forty hours.

(6) The weekly rest days shall be in lieu of Saturdays and Sundays, any of which may be counted as a weekly rest day if taken as such.

(7) An officer in the Second Division shall, in respect of work in excess of forty hours a week—

(a) be given commuted overtime pay or allowance at rates approved by the Minister with responsibility for finance;

(b) be granted compensatory time-off; or

(c) where such time-off is not practicable, be paid overtime pay at rates approved by the Minister with responsibility for finance.

(8) The time limit for determining whether compensatory time-off may be granted shall be fixed by agreement between the Chief Personnel Officer and the appropriate recognised association.

(9) Except in special circumstances, no overtime claim shall be allowed if submitted after six months from the date the overtime was earned.

Officer may be required to report for duty at any time.

67. Notwithstanding anything contained in these Regulations relating to hours of work, an officer may be required to report for duty at any time if the exigencies of the Service so require.

Transfer.

68. (1) Where the Assistant Commissioner proposes to transfer an officer, the Assistant Commissioner shall make an order of transfer in writing and shall give not less than fourteen days' notice to the officer who is to be transferred.

(2) In considering the transfer of an officer, the Assistant Commissioner shall take into account any hardship that such transfer may occasion.

(3) Notwithstanding subregulation (1), where the exigencies of the Service so require, the Assistant Commissioner may transfer an officer without notice.

RECORDS OF PERSONNEL

Personal record.

69. (1) The Assistant Commissioner shall keep a personal record of each officer and it shall contain—

(a) a description of the officer;

(b) any change of name of the officer;

(c) the officer's place and date of birth;

(d) particulars of marriage, if any, and children, if any;

(e) a record of service, if any, in any Naval, Military or Air Forces of a Commonwealth territory or in the Public Service;

(f) a record of service, if any, in any other police service;

(g) a record of the results of examinations at which the officer was a candidate; and

(h) a record of service in the Service including particulars of all promotions, transfers, removals, injuries received, commendations, awards, punishments other than cautions, acting appointments, sick leave, academic qualifications, special or technical skills and training, and the date of his ceasing to be a member of the Service with the reason thereof.

(2) The Head of the Division or Branch under whom an officer on his first appointment is first transferred shall cause to be maintained a Divisional or Branch file, and on the officer's transfer from that Station, his Station's file shall be sent direct to the Head of his new Station.

(3) An inset sheet with comments by the Head of the Station shall be kept for each officer in a Station, and on his transfer from a Station the officer's inset sheet shall be sent, as part of his Station's file, direct to the Officer in Charge of his new Station.

(4) An officer may at his request in writing and at a time convenient to the Administration, be allowed to peruse his personal record.

(5) An officer shall be informed in writing of any adverse reports or any commendations that are made on his inset sheet or personal record.

Certificate of service to be given.

70. (1) An officer who leaves the Service may be given a certificate of service stating his office and special skills and

setting out the period of his service and in any other police service and the reason, cause or manner for his leaving the Service.

(2) The Assistant Commissioner may append to a certificate under subregulation (1), a recommendation with respect to the officer's efficiency and conduct.

(3) The personal record of a municipal police officer who leaves the Municipal Police Service shall be kept for twenty years by the Assistant Commissioner who shall then forward it to the Government Archivist.

Performance appraisal reports.

71. (1) A performance appraisal report shall—

(a) be in such form as may be prescribed by the Assistant Commissioner;

(b) be made in respect of each officer whether he holds a permanent or temporary or an acting appointment or is employed for a specified period;

(c) provide for communication to the officer of the nature of his job performance for the period under review, and his career potential; and

(d) ensure the officer's participation in the establishment of the standards required in order that his job performance and career potential are accurately evaluated by the persons specified in the form.

(2) The Officer in Charge of the Division or Branch shall forward to the Assistant Commissioner in each year in respect of each officer who is—

(a) within the scale of pay, a performance appraisal report not later than sixty days before an increment is due to an officer; and

(b) at the maximum in the scale of pay or who receives a fixed pay, a performance appraisal report not later than the anniversary of the date of appointment of an officer to the office.

(3) A performance appraisal report shall relate to the period of service during the immediate preceding twelve months.

(4) The Assistant Commissioner shall cause an assessment of the job performance and career potential of each officer to be made by the officer identified as the reporting officer in the performance appraisal report.

(5) A reporting officer shall, after ensuring that proper communication has occurred with the officer being assessed concerning that officer's job performance, record in the performance appraisal report—

(a) the strengths and weaknesses of that officer's job performance based on the duties and standards previously agreed upon with that officer;

(b) the means, if any, by which the officer's job performance may be improved or his job satisfaction may be enhanced;

(c) the training and developmental needs of that officer within the Service;

(d) the future career potential of that officer and how it may be developed; and

(e) the duties and standards of performance required of that officer for the next year.

(6) The reporting officer shall ensure that any commendation or award given to the officer shall be recorded in that officer's performance appraisal report.

(7) The officer being appraised may comment on the performance appraisal report on any aspect of it, whether it is satisfactory or not, and shall sign it.

(8) Notwithstanding regulation 191, and for the purpose of this regulation, an officer who is dissatisfied with his performance appraisal report is entitled to make a written complaint directly to an officer of a rank higher than the Officer in Charge of his Station.

(9) The officer who makes a complaint under subregulation (8) shall set out the specific nature of his dissatisfaction and is entitled to be heard by the officer to whom he has made the complaint and who shall make a final decision on the matter.

Officer to be informed of adverse report.

72. In order that an officer may be given every opportunity to correct any shortcomings which he might evince during the course of the twelve months' period of service to be reported on under regulation 71, the Officer in Charge of his Station shall cause the officer to be informed in writing when—

(a) such shortcomings are noticed;

(b) adverse markings are included, in the performance appraisal report, before he submits the report to the Assistant Commissioner.

Annual increments.

73. (1) A performance appraisal report made in respect of an officer under regulation 71 shall be the basis for determining the eligibility of an officer for an increment.

(2) Where the Officer in Charge of a Division or Branch, in a report made under regulation 71, recommends that an increment ought not to be granted, he shall notify the officer in writing, not later than sixty days before the increment is due, of the reasons for which he considers that the increment ought not to be granted.

(3) Where an officer is notified under subregulation (2), he may, within seven days of the receipt of such notification, make representations in writing through the Officer in Charge of his Division or Branch to the Assistant Commissioner.

(4) An annual increment shall not be suspended except on the authority of the Assistant Commissioner.

(5) Where the Assistant Commissioner, after considering any representation by an officer made under subregulation (3), supports the commendation of the Officer in Charge of his Station referred to in subregulation (2), or where in the opinion of the Assistant Commissioner a report made under regulation 71 does not justify the payment of an increment to the officer, the Assistant Commissioner, upon advising the Commission, shall notify the Officer in writing of his decision to suspend the payment of the increment.

(6) Subject to subregulation (7), the Assistant Commissioner may suspend the payment of an increment under subregulation (5) for a period not exceeding six months.

(7) Where the Assistant Commissioner suspends an increment to an officer under subregulation (5) for a specified period, the Officer in Charge of the Division or Branch shall, not less than thirty days before the expiration of the specified period, make a report on such officer and if in the opinion of the Assistant Commissioner—

(a) the report justifies the payment of the increment, the Assistant Commissioner shall grant the increment which shall be payable from the date from which it is granted; or

(b) the report does not justify the payment of the increment, the Assistant Commissioner may suspend the payment of the increment for a further period not exceeding six months.

(8) Where the Assistant Commissioner suspends the payment of an increment to an officer under this regulation, the suspension shall not affect the officer's incremental date.

PART VIII

VACATION LEAVE, SPECIAL LEAVE AND MEDICAL MATTERS

Leave to be granted in accordance with this Part.

74. (1) Subject to subregulations (2) and (3), and unless otherwise stated in these Regulations, leave of absence may be granted to an officer to the extent and under such conditions as are provided in this Part.

(2) Leave, other than sick leave, injury leave and maternity leave, shall be granted subject to the exigencies of the Service.

(3) The Assistant Commissioner shall determine whether the exigencies of the Service are such as to enable an officer to proceed on leave at any given time.

(4) The Assistant Commissioner may, if the exigencies of the Service so require—

(a) cancel any leave already granted; or

(b) recall to duty an officer who has proceeded on leave.

VACATION LEAVE

Eligibility for vacation leave.

75. (1) An officer is eligible for vacation leave each year only after the completion of one year of service.

(2) Where an officer has been recalled from vacation leave, he is eligible for the unexpired period of such leave.

(3) An officer who is recalled from vacation leave shall be reimbursed of any reasonable out-of-pocket expenses, including actual financial loss sustained as a consequence of the decision to recall him from such leave.

(4) The period of training undertaken by a trainee who is appointed as an officer shall be considered in the computation of that officer's vacation leave.

Vacation leave entitlement.

76. (1) An officer is entitled to vacation leave each year as follows:

Years of Service	Working Days
1–10 years	28 working days
Over 10 years	35 working days

(2) In computing length of service for the purpose of subregulation (1), service shall include "other public service" and "service in the group" as defined in section 2 of the Pensions Act. Ch. 23:52.

(3) In calculating vacation leave, Saturdays, Sundays and public holidays shall not be counted.

(4) No more than fifteen per cent of the officers assigned to any Division or Branch may be granted leave at any one time.

Vacation leave not to be earned.

77. An officer shall not earn vacation leave while on vacation leave or extended sick leave.

Vacation leave to be taken annually.

78. Subject to the exigencies of the Service, an officer shall proceed on annual vacation leave as provided for in regulation 76(1), and where the leave taken is less than his maximum leave, the amount of leave taken shall be deducted from his vacation leave entitlement specified in regulation 76(1) for his grade.

Deferment of vacation leave.

79. An officer who, owing to the exigencies of the Service, is required to defer his vacation leave, shall, in the year following that in which his vacation leave was deferred, be granted such deferred vacation leave together with the vacation leave for that year.

Casual absences to be deducted from vacation leave.

80. (1) Subject to regulation 76, an officer may, with the prior written approval of the Assistant Commissioner, be allowed casual absences from duty, which shall be deducted from his vacation leave entitlement specified in regulation 76(1) for his grade to a maximum of—

(a) fourteen working days where he holds an office in the First Division; or

(b) seven working days where he holds an office in the Second Division.

(2) Notwithstanding regulation 75(1), the Assistant Commissioner may apply subregulation (1) to meet the case of an officer who has not completed a full year of service, but leave so granted shall not exceed the total amount of vacation leave that the officer can be considered as having earned on a *pro rata* basis at the time of the grant of such leave.

Non-forfeiture of vacation leave earned.

81. Vacation leave, once earned, shall not be forfeited.

Accumulation of vacation leave.

82. (1) Vacation leave may normally be accumulated, with the approval of the Assistant Commissioner, to a maximum of —

(a) ninety working days, in the case of an officer in the First Division; and

(b) sixty working days, in the case of an officer in the Second Division.

(2) An officer may accumulate leave in excess of the maximum specified in subregulation (1) with the approval of the Commission on the advice of the Assistant Commissioner.

(3) Where, upon the coming into force of these Regulations, an officer has accumulated annual leave in excess of ninety days, he may be required to take all or such part of the excess as is agreed upon by the Assistant Commissioner.

Grant of vacation leave.

83. (1) Subject to subregulation (2), the Assistant Commissioner shall have authority to grant vacation leave to all officers.

(2) Vacation leave in the case of the Director or a Deputy Director shall require the approval of the Minister.

Application for vacation leave.

84. (1) An application for vacation leave to be spent in or out of Trinidad and Tobago shall be submitted to the Assistant Commissioner, on the prescribed form, not later than the 31st day of October in the preceding year to facilitate the preparation of the leave roster for the year ahead.

(2) The Assistant Commissioner may in special circumstances vary the requirement of subregulation (1).

(3) An officer who has applied for vacation leave within the specified time shall, subject to the exigencies of the Service, be informed not less than one month before his vacation leave is due to commence, whether or not his application has been granted.

Record of officers on leave.

85. The Assistant Commissioner shall cause a record to be kept to show—

(a) the officers to whom he has granted leave;

(b) particulars of the duration of such leave; and

(c) the address at or other means of contact by which an officer may be located during his leave.

Attending Court while on vacation leave.

86. An officer who is required to attend Court while on vacation leave as a result of his official duty shall have his vacation leave extended by a period equal to the number of days he has attended Court.

SPECIAL LEAVE

Duty leave and special leave.

87. (1) An officer selected as a member of an official Police Service team as approved by the Commission on the advice of the Assistant Commissioner and engaging in a sporting, educational or cultural event or series of such events may, subject to the exigencies of the Service, be granted duty leave with full pay for such purpose.

(2) An officer selected to represent Trinidad and Tobago as a member of a national team engaging in a sporting, educational or cultural event or series of such events shall, subject to the exigencies of the Service, be granted special leave with full pay to enable him to complete his engagement.

(3) Leave granted under this regulation shall not affect an officer's entitlement to vacation leave.

Scholarship and study leave.

88. (1) An officer granted a scholarship sponsored by the Government is eligible for study leave and for such allowances and benefits as may from time to time be provided for other public officers.

(2) An officer who undertakes a course of study approved by the Commission on the advice of the Assistant Commissioner is eligible for study leave and for such allowances and benefits, as may from time to time, be provided for other public officers.

Sick leave.

89. (1) An officer is entitled to fourteen days sick leave a year.

(2) An officer who is away from duty, due to illness, for a period—

(a) not exceeding two days is not required to tender a medical certificate; or

(b) exceeding two days shall submit a medical certificate prepared and signed by a duly qualified medical practitioner, and any leave taken under this regulation shall count in calculating the total sick leave for the year.

(3) An officer mentioned in subregulation (2)*(a)* shall, by any means, inform the Second Division Officer or the Officer in Charge of the shift or the station where he is posted at least two hours before he is due to report for duty that he would be away from duty.

(4) The Assistant Commissioner may require an officer who habitually takes advantage of subregulation (2)*(a)* to present himself to a Government medical officer for a medical examination.

Extension of sick leave in Trinidad and Tobago.

90. (1) An officer who seeks an extension of sick leave while in the country shall apply to the Assistant Commissioner in writing and the application shall be supported by a medical certificate issued by a duly qualified medical practitioner, a duly qualified medical practitioner attached to the Service or the duly qualified medical practitioner in the medical institution where the officer has been treated and who treated the officer.

(2) An officer who seeks an extension of sick leave under subregulation (1) shall within the first three days, inform by any means, the Second Division Officer in Charge of the Police Station where he is posted, who shall communicate such information to the Assistant Commissioner.

(3) Upon receipt of the application referred to in subregulation (1), the Commission on the advice of the Assistant Commissioner may grant an extension of sick leave with full pay, partial pay or no pay and in accordance with the relevant guidelines issued by the Chief Personnel Officer.

(4) An officer shall make an application for extended sick leave in accordance with subregulation (1) within two days of his absence from duty.

(5) In exceptional circumstances, an application under subregulation (1) shall be made by the officer not later than seven days after his resumption of duty.

Extension of sick leave outside of Trinidad and Tobago.

91. (1) An officer who becomes sick whilst on vacation leave outside of the country, and who has exhausted his sick leave entitlement shall immediately apply for an extension of sick leave through the Ambassador or other duly appointed Representative of Trinidad and Tobago and such an application shall be accompanied by a duly authenticated medical certificate.

(2) Subject to subregulation (3), upon receipt of the application referred to in subregulation (1), the Assistant Commissioner may grant an extension of sick leave with full pay, partial pay or no pay.

(3) An extension of sick leave on full pay shall be granted to an officer to the extent of, at maximum, the number of days sick leave unutilised by the officer over the five-year period preceding the year in which the application is made.

(4) When the time granted under subregulation (1) or (3) has expired and the officer has failed to resume duty, the Assistant Commissioner shall send a notice to the address given in regulation 128(2) ordering him to appear before a Medical Board stating the time and place for such appearance.

(5) The Assistant Commissioner shall publish once in the *Gazette* and twice in two daily newspapers the name of each officer who is required to appear before a Medical Board stating the time and place for such appearance.

(6) If the officer fails to appear before the Medical Board within one month from the date of the notice mentioned in subregulation (5), he is deemed to have abandoned his office and may be dismissed from the Service by the Commission on the advice of the Assistant Commissioner.

(7) An officer who is certified by a Medical Board to be suffering from such disease as renders him unfit for duty may be granted sick leave on full pay for a period not exceeding six months.

(8) If after the period mentioned in subregulation (7), the officer is unfit for duty, he may be granted vacation leave, if any, for which he is eligible.

(9) If after his sick leave and vacation leave, an officer is still unfit to assume duty, he is deemed unfit for the Service and his services shall be terminated by the Commission on the advice of the Assistant Commissioner, with such benefits that may have accrued to him.

(10) Where on the commencement of these Regulations an officer who is abroad and has exhausted all his sick leave and entitlement to an extension of sick leave and has not resumed duty, subregulations (4), (5) and (6) shall apply.

Medical certificate necessary for sick leave.

92. Absence from duty for more than two consecutive days shall not in any circumstances be considered as sick leave unless supported by a medical certificate issued by a duly qualified medical practitioner.

Medical record of each officer.

93. (1) A Medical History Book shall be kept to show in respect of each officer every illness, results of random testing for dangerous drugs and injury sustained by the officer during his period of service, together with such account of treatment received and other comments and recommendations made by the duly qualified medical practitioner attached to the Service or the duly qualified medical practitioner concerned with the case, as well as a record of all sick leave granted.

(2) Every Medical History Book shall be kept confidential by the person in charge at the Police Hospital.

(3) The Assistant Commissioner shall have the power to order random drug testing for abuse of dangerous drugs by any officer.

Entitlement to full pay.

94. Where an officer is injured in the performance of his official duty he is entitled to his remuneration for any leave approved by the Commission on the advice of the Assistant Commissioner as a result of such injury or until he is discharged by a Medical Board.

Light duty in certain circumstances.

95. (1) The Assistant Commissioner may direct upon consultation with the Commission, that a female officer qualifying for maternity leave shall be given light duties to perform at work prior to and following her period of maternity leave and for such period of time as the circumstances of her case may justify and may permit or require such officer to attend work not in uniform for such period of time, but such officer shall not qualify for a Plain Clothes Allowance.

Ch. 45:57.

(2) For the purpose of this section "maternity leave" has the same meaning assigned to it by the Maternity Protection Act.

Grant of paternity leave.

96. (1) A male officer is eligible for paternity leave of four working days in respect of each pregnancy of his wife or cohabitant, to be granted at the time of delivery where—

(a) he furnishes a medical certificate stating the expected date of delivery; and

(b) he registers the name of his cohabitant, where applicable, with the Assistant Commissioner.

(2) For the purpose of this regulation, "cohabitant" means a woman who is living with the officer in a bona fide domestic relationship for a period of not less than five years immediately preceding the pregnancy, but only one such woman shall be considered for the purpose of this regulation.

Grant of bereavement leave.

97. (1) An officer is eligible for the grant of bereavement leave of—

(a) three working days where the death of a member of his immediate family occurs in Trinidad and Tobago; or

(b) five working days where such a death occurs outside of Trinidad and Tobago and the officer actually travels abroad in connection with the death.

(2) When an officer is granted bereavement leave under subregulation (1)*(b)*, he shall submit to the Assistant Commissioner within two weeks of his return documentary evidence of his travel abroad.

(3) For the purpose of this regulation, "immediate family" means the officer's spouse, child, mother, father, brother, sister and, if the officer had registered his guardian, ward or cohabitant with the Assistant Commissioner, such guardian, ward or cohabitant.

MEDICAL MATTERS

Officer entitled to free medical, etc., attention.

98. (1) An officer who is injured in the course of his duty is entitled to receive free medical, dental, optical and hospital treatment and medicines as may be necessary and as may be provided by a Government Medical Officer or at a Government medical institution.

(2) Where treatment or medicines mentioned in sub-regulation (1) are not readily available from a Government Medical Officer or from a Government medical institution the officer shall be reimbursed the reasonable cost of any private treatment he may have received or medicines he may have purchased from any registered medical practitioner or from any approved medical institution having obtained the prior written approval of the Assistant Commissioner.

(3) An officer who—

(a) is injured in the course of his duty and is forced to retire on medical grounds; or

(b) has served up to his compulsory retirement age,

is entitled to medical treatment as if he is still an officer in the Service.

(4) Where an officer is injured in the course of his duty and has to travel abroad to seek medical, dental, and optical or hospital treatment, the cost of the airfare and any such treatment shall be provided by the Government.

PART IX

CUSTODY AND CARE OF PRISONERS

Key for female cell.

99. (1) The cell for female prisoners shall be provided with two locks or padlocks fitted with different keys, and the key of one lock shall be kept by the Officer in Charge of the Charge Room and the key of the other by a female officer.

(2) A duplicate of the key kept by the female officer shall be kept in the Charge Room under the station seal.

(3) Except in a case of emergency, no cell in which a female prisoner is confined shall be opened except by or in the presence of a female officer.

Opening of cell.

100. A cell in which prisoners are confined shall be opened by not less than two officers.

Searching of prisoner.

101. (1) A prisoner shall be searched on arrest, on arrival at the Station and immediately before being placed in a cell and again on being taken from the cell.

(2) At a Station, a male prisoner shall be searched by two male officers and a female prisoner by a female officer.

Record to be kept of prisoner's property.

102. (1) All property found on a prisoner when he is searched shall be taken from him and a record shall be made in the charge book, and this entry shall be read over to the prisoner who shall be asked to verify and to sign it as being correct.

(2) If the prisoner claims that the entry is incorrect, a note to this effect shall be made immediately against the entry by the most senior officer present and he shall report the matter to the Officer in Charge of the Division for immediate investigation.

(3) Property required as a Court exhibit shall be retained and handed over to the General Property Keeper.

(4) The property of a prisoner shall be returned to him on his release from custody and he shall be required to sign for receipt of it in the Charge Book.

(5) The property of a prisoner in the possession of the Municipal Police for more than forty-eight hours shall be handed over to the General Property Keeper and transferred to the General Property Register.

(6) If a prisoner is handed over to a Keeper of a prison, the property of a prisoner shall also be handed over to the Keeper of the prison, who shall give a receipt to the Police for it.

Prisoner's property handed over.

103. Subject to regulation 102(3), the property taken from a prisoner may be handed over to any person as directed by the prisoner, on such person giving a receipt for having received the property and the prisoner certifying that this has been done by signing the Charge Book or the General Property Register.

Prisoner in cell to be visited.

104. Unless as otherwise directed, the officer in charge of the Reception Area shall visit a prisoner in a police cell at least once every hour.

Children of prisoner in custody.

105. (1) The children of a prisoner, who have no relatives or other persons to take charge of them, may be taken charge of by a female officer and taken to a place of safety until other arrangements for their care can be made.

(2) The female officer shall be paid at such rate for each child cared for under subregulation (1) as the Assistant Commissioner may direct.

Feeding of prisoner.

106. (1) The Assistant Commissioner shall fix the daily ration for a prisoner in police custody.

(2) A prisoner shall be fed three times daily at 7:30 a.m., 12:30 p.m. and 5:30 p.m. or as near as possible to these hours.

(3) A prisoner may be supplied with food from outside, but the Officer in Charge of the Reception Area shall examine all such food.

Legal adviser to prisoner.

107. The legal adviser of a prisoner shall be allowed to communicate with the prisoner in private at a Police Station but the prisoner must be kept in sight by an officer during such communication.

Sick prisoner.

108. (1) When a prisoner reports sick, the senior officer at the Station shall immediately notify the appropriate Government Medical Officer or take the prisoner to a duly qualified medical practitioner or medical institution.

(2) Upon notice under subregulation (1), the Government Medical Officer, the duly qualified medical practitioner or medical institution may order the prisoner be taken to a public hospital and he shall be escorted to such hospital in custody.

Numerical strength of escort.

109. The strength of an escort to be provided for the removal of prisoners, except those conveyed in a prison van, shall be regulated as follows:

(a) one prisoner shall be accompanied by at least one officer;

(b) two to five prisoners shall be accompanied by at least two officers; and

(c) six to ten prisoners shall be accompanied by at least three officers.

Dangerous prisoner.

110. In the case of a prisoner considered to be dangerous and unruly additional officers shall be sent as may be necessary.

Handcuffs.

111. An officer on escort duty shall be provided with handcuffs that shall be used when necessary.

Armed escort.

112. An officer escorting prisoners may be armed if the circumstances so warrant.

PART X

GOVERNMENT BUILDING, FURNITURE, ETC.

Quarters.

113. (1) An officer may reside in official quarters provided or in quarters approved by the Minister.

(2) An officer in the First Division who occupies official quarters shall do so furnished and rent-free.

(3) An officer in the Second Division who occupies official quarters shall do so furnished and rent-free.

Furniture to be kept in good condition.

114. All government furniture in Stations, buildings, offices and quarters shall be maintained in good order and condition, the responsibility for which shall rest with the senior officer in charge of the Station, building or office, or the occupant of the quarters.

Repair to or replacement of furniture.

115. When any government furniture referred to in regulation 114 requires repair or needs to be replaced, the appropriate officer of the relevant Ministry shall be notified so that inspection, repairs or replacements may be effected.

Notice board.

116. All proclamations, Government Notices or other official notices, notices of rewards or advertisements of similar import shall be posted on notice boards at each Station.

Reception area.

117. A Reception Area shall be attached to each Station and all books and records of the Station shall be kept and maintained in it and in the manner directed by the Assistant Commissioner.

Prisoner's cell.

118. There shall be at least two prisoners' cells provided at each Station one for adult male prisoners and the other for adult female prisoners.

PART XI

UNIFORM, EQUIPMENT, ARMS, STORES, ETC.

Uniform and orders of dress.

119. The description of all items of uniform and the orders of dress to be worn by officers shall be set out as prescribed by the Assistant Commissioner with the approval of the Minister and shall be published in the *Gazette*.

Issue of arms and ammunition.

120. (1) The Assistant Commissioner shall decide the quantity in which arms and ammunition may be issued to an officer or Station.

(2) The Assistant Commissioner may withdraw any arms and ammunition issued to an officer or Station without assigning any reason for so doing.

(3) The authority of the Assistant Commissioner under this regulation is subject to the overriding authority of the Commissioner of Police and the Minister.

Control of arms and ammunition issued.

121. (1) Ammunition issued to a Station that is not actually in use shall be kept in sealed boxes which shall be opened only in cases of inspection or emergency.

(2) The type and quantity of arms and ammunition issued and the date of issue shall be endorsed on each box.

(3) When any ammunition is discharged or lost, an immediate report shall be made to the Assistant Commissioner setting out the quantity so discharged or lost and the circumstances relating to the discharge or loss of such ammunition.

(4) The Assistant Commissioner shall cause to be kept a detailed account of all arms and ammunition received and issued.

(5) No arms or ammunition shall be issued except on the written authority of the Assistant Commissioner.

Issue of uniform.

122. Uniforms, including accessories, and equipment shall be issued to an officer in such quantities and at such periods as the Assistant Commissioner may direct.

Wearing of uniform and plain clothes.

123. (1) The Assistant Commissioner may, in special circumstances, require an officer to wear uniform when off duty.

(2) An officer shall not wear plain clothes whilst on duty, unless he is so authorised by the Assistant Commissioner.

Issue of stores.

124. Miscellaneous stores shall be issued to Stations at such intervals and in such quantities as the Assistant Commissioner may direct.

Requisition.

125. (1) Uniform, equipment and stores shall be supplied only on a requisition made to the person responsible for finance.

(2) A delivery and receipt voucher signed by the officer issuing the stores shall be sent with the stores, and on receipt, the voucher shall be signed by the officer receiving the stores and returned to the person responsible for finance.

Stores Ledgers.

126. (1) Stores Ledgers shall be kept by the person responsible for finance in which he shall enter all stores received, issued and returned to store.

(2) Receipts for all articles returned to store shall be given by the person responsible for finance.

PART XII

CONDUCT

Duties of an officer.

127. (1) An officer's whole time shall be at the disposal of the Government.

(2) An officer in the First Division who is in charge of a Station shall be responsible for the state of his command as well as the state of his district and for the conduct and efficiency of all the officers under his command.

(3) An officer in the Second Division who is in charge of a Station shall be responsible for such Station and its district and for the conduct and efficiency of all the officers under his charge.

(4) In the absence of an officer referred to in subregulation (2) or (3), the authority and responsibility of that officer shall devolve upon the next in seniority unless the Assistant Commissioner otherwise specifically directs.

Absence without leave.

128. (1) Subject to subregulation (2), an officer shall not leave the country without the permission in writing of the Assistant Commissioner.

(2) An officer who has been granted permission to go abroad shall supply the Assistant Commissioner with both a local and foreign address, to which any correspondence may be sent by registered mail and any correspondence sent to both addresses is deemed to have been received by him.

(3) In an emergency, such permission may be given by an officer of the First Division to an officer in the Second Division, and in the case of an officer in the First Division by an officer senior in rank.

(4) Where an officer grants permission under subregulation (3) he shall report the fact immediately in writing to the Assistant Commissioner.

Activities outside the Service.

129. An officer—

(a) shall not engage in any activity, occupation or undertaking which would impair his usefulness as an officer or in any way conflict with the interest of the Service;

(b) shall not, without the consent of the Assistant Commissioner, accept any paid employment or engage in any trade or any professional, commercial, agricultural or industrial undertaking, or undertake private work for remuneration, whether in or outside of Trinidad and Tobago; or

(c) who invests in or acquires shares in any company carrying on business in or outside of Trinidad and Tobago or who acquires any interest in any professional, commercial, agricultural or industrial undertaking in or outside of Trinidad and Tobago shall, within thirty days after his investment or acquisition, inform the Assistant Commissioner of the fact in writing.

Officer not to call or participate in certain public meeting.

130. (1) An officer shall not call a public meeting to consider any action of the Government or actively participate in the proceedings of a meeting called for such purpose or procure signatures to any public petition regarding the actions of the Government.

(2) Nothing in these Regulations shall affect an officer's right to participate actively in any meeting called, or sign any petition prepared by his appropriate recognised association on matters affecting the Service.

Participation in demonstration, etc., prohibited.

131. An officer shall not institute or take part in any processions, demonstrations or public meetings other than religious functions unless the permission of the Assistant Commissioner is first obtained.

Officer not to publish information.

132. (1) An officer shall not make public or communicate to the press or to any person, or make private copies of documents, papers or information of which he may have become possessed in his official capacity, unless his duties require him to do so.

(2) Notwithstanding that he may be charged with an offence under any other written law, an officer who contravenes subregulation (1) commits a disciplinary offence.

Officer not to allow interview on question of public policy.

133. An officer, whether on duty or on leave of absence, shall not allow himself to be interviewed on questions of public policy or on matters affecting the defence or military resources of Trinidad and Tobago or of any other country unless his official duties require him to do so.

Officer not to publish comment on national or local matter.

134. (1) An officer shall not, without the written permission of the Assistant Commissioner, broadcast on the radio, television, Internet or by any other means or matter publish in any manner any statement which is in the nature of a personal comment on any national or local, political or administrative matter unless his official duties require him to do so.

(2) An officer may, with the written permission of the Assistant Commissioner, publish in his own name articles relating to other subjects of general interest, or give a lecture or presentation on the radio, television or Internet on such subjects.

Partisanship.

135. An officer shall not make any public expression of political and sectarian opinions, and shall bear himself with strict impartiality in all matters.

Officer not to contribute to, edit or manage newspaper.

136. An officer shall not act as editor of a newspaper or take part directly or indirectly in the management of a newspaper, or contribute thereto any statement or article which may reasonably be regarded as a commentary on the politics of the country or the administration of the Government or that of any other Government.

Rules relating to lecture or presentation.

137. (1) A lecture or presentation by an officer shall be governed by the following rules:

(a) no question of payment either to the officer employed in the preparation or delivery of the lecture or presentation, or to the Service, shall arise in connection with the lecture or presentation that is necessary or desirable in order to enable the Service to carry out its recognised duties to the community;

(b) a lecture or presentation which is not necessary for departmental purposes may be given by an officer who is an expert in a particular subject, whether or not he has specialised in this subject in his official capacity; and in all such cases, if the subject matter is related to the work or the policy of the Service, or if the officer is to be announced by his departmental title, the prior written permission of the Assistant Commissioner is required with the object of ensuring that—

(i) there is nothing in the lecture or presentation contrary to the public interest or inconsistent with the status of an officer; and

(ii) the standing of the officer is sufficient to justify the delivery by him of a lecture or presentation under his departmental title.

(2) Subject to subregulation (1), and to the due observance of any professional rule that may be in force as to the acceptance of remuneration for the preparation or delivery of a lecture or presentation, an officer is entitled to make his own terms with the broadcasting authority, but in these cases the work involved in the preparation and delivery of the lecture or presentation shall be done outside official hours.

Reprimand of officer.

138. A senior officer shall not berate an officer junior in rank in the presence or hearing of an officer junior to the officer being berated or in the presence or hearing of any member of the public.

Appearance and turnout.

139. (1) An officer shall always appear in the public view properly dressed, cleanly and smartly turned out, smart in his movements, and respectful in his bearing and manner.

(2) An officer on duty shall not wear items of jewelry and trinkets for personal adornment, except a wristwatch, a bracelet for "allergy alert" and no more than two rings.

(3) In the case of a male officer on duty—

(a) the hair on his head shall be kept short;

(b) the chin and under lip shaven;

(c) facial hair shall not be worn; and

(d) the shaving of the upper lip is optional.

(4) In the case of a female officer on duty—

(a) the hair on her head shall not be worn lower than the nape of her neck;

(b) unnatural hair colours and hair decoration shall not be worn;

(c) fingernails shall be kept short and only natural nail polish shall be used; and

(d) make-up shall be simple and kept to a minimum.

(5) When a female officer on duty is exempted from wearing regulation shoes, she shall wear footwear as prescribed by an orthopedic specialist.

Indebtedness.

140. (1) An officer shall not incur a debt that he knows or ought to know he is unable to discharge or which is likely to impair his efficiency or to bring the Service into disrepute.

(2) The Assistant Commissioner may require an officer to authorise deductions from his pay for the repayment of any debt to the Government.

(3) An officer who finds himself unable to discharge a debt he has incurred shall inform the Assistant Commissioner as soon as possible in the form prescribed in Schedule 3.

Schedule 3.

(4) Where the Assistant Commissioner has reasonable grounds to believe that an officer is unable to discharge a debt which he has incurred, the Assistant Commissioner shall direct

the officer to complete and submit the form prescribed in Schedule 3 within a specified period.

Schedule 3.

Bankruptcy.

141. An officer who has been declared a bankrupt or against whom bankruptcy proceedings have been taken or who becomes insolvent shall, within seven days of the occurrence of the fact, report the fact in writing to the Assistant Commissioner.

Gift or reward.

142. Except with the written permission of the Assistant Commissioner, an officer shall not accept a gift or reward from a member of the public or an organisation.

Exception to gift.

143. Notwithstanding regulation 142, 146 or 148, an officer may accept a gift offered by—

(a) a representative of a foreign government on the occasion of an official visit to that country or on the visit of a representative of a foreign government to this country;

(b) a community organisation, on a social occasion where the gift represents the appreciation of the organisation for his contribution to the work or achievement of the organisation; or

(c) any person on a celebratory occasion.

Officer not to accept present from subordinate officer.

144. An officer shall not receive a gift or reward from a subordinate officer except with the written permission of the Assistant Commissioner.

Legal proceedings.

145. (1) An officer who—

(a) desires to initiate legal proceedings against any person; or

(b) is charged with a criminal offence and is brought before a Court,

shall promptly inform the Assistant Commissioner, in writing.

Offences.

146. (1) An officer who contravenes any of these Regulations commits a disciplinary offence.

(2) Without prejudice to the generality of subregulation (1), an officer is liable to be charged with a disciplinary offence if he commits any of the following:

(a) discreditable conduct, that is to say, if an officer acts in a disorderly manner prejudicial to discipline or reasonably likely to bring discredit to the Service;

(b) insubordinate or oppressive conduct, that is to say, if an officer—

(i) is insubordinate by word, act or demeanour;

(ii) is oppressive or tyrannical in his conduct towards an officer of a lower rank;

(iii) uses obscene, abusive or insulting language to another officer; or

(iv) assaults another officer;

(c) disobedience to orders, that is to say, if an officer disobeys or without good and sufficient cause omits or neglects to carry out a lawful order, written or otherwise;

(d) neglect of duty, that is to say, if an officer—

(i) neglects, or without good and sufficient cause omits, promptly and diligently to attend to or carry out anything which is his duty as an officer;

(ii) withholds a report or allegation against another officer;

(iii) is not alert while on duty;

(iv) fails to work his beat in accordance with orders, or leaves his beat, point or other place of duty to which he has been ordered, without due permission or sufficient cause;

(v) permits a prisoner to escape;

(vi) fails to report a matter which is his duty to report;

(vii) fails to report anything which he knows concerning a criminal charge, or fails to

disclose any evidence which he, or any person within his knowledge, can give for or against any prisoner or defendant to a criminal charge;

(viii) omits to make any necessary entry in any official document or book; or

(ix) neglects or without good and sufficient cause omits to carry out any lawful instruction of the Police Medical Officer or, while absent from duty on account of sickness, does any act or conduct calculated to retard his return to duty;

(e) falsehood or prevarication, that is to say, if an officer—

(i) knowingly makes or signs a false statement in an official document or book;

(ii) wilfully or negligently makes any false, misleading or inaccurate statement; or

(iii) without good and sufficient cause destroys or mutilates any official document or record, or alters or erases any entry therein;

(f) breach of confidence, that is to say, if an officer—

(i) divulges any matter which it is his duty to keep secret;

(ii) gives notice, directly or indirectly, to a person against whom a warrant or summons has been or is about to be issued, except in the lawful execution of such warrant or service of such summons;

(iii) without proper authority communicates by any means to the public, press, or to any unauthorised person, any matter connected with the Service;

(iv) without proper authority shows to any person outside the Service any book or written or printed document which is the property of the Service;

(v) makes any anonymous communication to the Commission, Assistant Commissioner or an officer in a senior office;

*(vii) signs or circulates any petition or statement with regard to any matter concerning the Service, except through the proper channel; or

(viii) calls or attends any unauthorised meeting to discuss any matter concerning the Service;

(g) corrupt practice, that is to say, if an officer—

(i) fails to account for or to make a prompt and correct return of any money or property received by him in his official capacity;

(ii) directly or indirectly solicits any gratuity, gift or reward, subscription or testimonial without the consent of the Assistant Commissioner;

(iii) places himself under pecuniary obligation to any person who holds a licence concerning the granting or renewal of which the Police may have to report or give evidence; or

(iv) improperly uses his position as an officer for his private advantage;

(h) unlawful or unnecessary exercise of authority, that is to say, if an officer—

(i) without good and sufficient cause makes an unlawful or unnecessary arrest;

(ii) uses unnecessary violence to a prisoner or other person with whom he may be brought into contact in the execution of his duty; or

(iii) is uncivil to a member of the public;

(i) malingering, that is to say, if an officer feigns or exaggerates any sickness or injury with a view to evading duty;

*There is no subparagraph (vi)

(j) absence without leave or being late for duty, that is to say, if an officer, without reasonable excuse, is absent without leave or is late for any duty;

(k) loss or damage to clothing or other property supplied, that is to say, if an officer—

(i) wilfully or by carelessness abandons, causes any loss or damage to any clothing, accoutrements, or to any book, document or other property of the Service supplied to him or used by him or entrusted to his care; or

(ii) fails to report any loss or damage as mentioned in subparagraph (i);

(l) drunkenness, or drug taking, that is to say, if an officer, while on or required for duty, is unfit for duty through the taking of intoxicating liquor or dangerous drugs;

(m) drinking on duty or soliciting drink, that is to say, if an officer—

(i) drinks intoxicating liquor while he is on duty;

(ii) demands or endeavours to persuade any other person to give him, or to purchase or obtain for him, any intoxicating liquor while he is on duty; or

(iii) reports for duty under the influence of intoxicating liquor or with the odour of intoxicating liquor on his breath;

(n) entering licensed premises, that is to say, if without permission or reasonable excuse an officer enters while on duty, any premises licensed under any written law or any other premises where intoxicating liquor is stored or distributed;

(o) lending, borrowing or accepting money, that is to say, where an officer compromises his ability to discharge his responsibility by lending, borrowing or accepting money from another officer;

(p) being an accessory to a disciplinary offence, that is to say, if an officer connives at or is knowingly an accessory to a disciplinary offence; or

(q) using any property or facility of the Service without the written consent of the Assistant Commissioner for a purpose not connected with his official duties.

(3) An officer who is suspected of being under the influence of dangerous drugs or intoxicating liquor is required to submit to a breath test or analysis or a laboratory analysis to determine his blood alcohol concentration in accordance with the Motor Vehicles and Road Traffic Act. Ch. 48:50.

PART XIII

DISCIPLINARY PROCEDURE

147. An officer who fails to comply with these Regulations, or any order or directive for the time being in force in the Service commits a disciplinary offence and is liable to disciplinary proceedings in accordance with the procedure prescribed in this Part. Disciplinary proceedings.

148. (1) When a report or allegation is received by the Assistant Commissioner from which it appears that a municipal police officer may have committed an offence, and the Assistant Commissioner is of the opinion that the public interest or the repute of the Service requires it, the Commission on the advice of the Assistant Commissioner may in writing, direct the officer to cease to report for duty until further notice, and an officer so directed shall cease to perform the functions of his office immediately. Suspension.

(2) An officer who is directed to cease to perform the duties of his office in accordance with subregulation (1) shall continue to receive full pay until such date as shall be specified in an order made by the Assistant Commissioner.

149. (1) Where disciplinary proceedings for his dismissal are instituted or criminal proceedings are instituted against an officer Interdiction.

and the Assistant Commissioner is of the opinion that the public interest or the repute of the Service requires that the officer should immediately cease to perform the functions of his office, the Assistant Commissioner shall advise the Commission, before making a decision whether or not to interdict the officer, inform the officer in writing of his intention to interdict him and give the officer an opportunity to be heard.

(2) An officer interdicted shall receive such proportion of the pay of his office, not being less than one-half, by the Commission, on the advice of the Assistant Commissioner as determined after taking into consideration the officer's monthly deductions.

(3) Where an officer is interdicted and criminal or disciplinary proceedings are determined in his favour, and notwithstanding an appeal is filed by the State in relation to the criminal proceedings, he is entitled to the full amount of the remuneration which he would have received if he had not been interdicted.

(4) Where a decision is given in favour of an officer interdicted under subregulation (1), the interdiction order shall immediately cease to have effect.

(5) If disciplinary proceedings against an officer result in any punishment other than dismissal, the officer shall be allowed such pay as the Commission on the advice of the Assistant Commissioner may in the circumstances determine.

(6) Where an officer is interdicted and criminal or disciplinary proceedings are not determined in his favour, and he files an application for review or an appeal, as the case may be, the interdiction order shall continue to have effect until the completion of the review or appellate process.

(7) Notwithstanding subregulations (2) to (6), the Assistant Commissioner may quash an interdiction order at any time and the officer is entitled to the full amount of the remuneration that he would have received if he had not been interdicted.

Reporting in person.

150. Where an officer is suspended under regulation 148 or interdicted under regulation 149, he shall report in person once per month to the Officer in Charge where he lives, and the Officer in Charge shall report that fact in writing to the Assistant Commissioner.

Disciplinary tribunal.

151. (1) The Assistant Commissioner may establish disciplinary tribunals at any Municipal Police Station consisting of such number of officers as he considers necessary to conduct disciplinary proceedings.

(2) A disciplinary tribunal established by the Commission on the advice of the Assistant Commissioner shall exercise such powers as may be delegated to it by the Commission.

Procedure on alleged commission of offence.

152. (1) The Assistant Commissioner shall designate an officer of the First Division, who is not the head of the Station, as the "disciplinary officer" in each Station, and the disciplinary officer shall be responsible for receiving all complaints against an officer by any person, including a member of the public or an officer, and he shall maintain a record of all such complaints.

(2) Where a member of the public or an officer makes a complaint against an officer (hereinafter referred to as "the officer concerned") to another officer junior in rank to the officer concerned, or such junior officer finds the officer concerned committing a disciplinary offence; such junior officer shall inform the disciplinary officer of the complaint as soon as possible in writing.

(3) The disciplinary officer shall, within seven days from the date he is informed of the complaint under subregulation (2) or (11), appoint an investigating officer who shall give the officer concerned a written notice stating the specific nature of the complaint, that the matter shall be investigated and the officer concerned may, within seven days of receipt of the written notice, give to the disciplinary officer an explanation in writing concerning the complaint.

(4) The investigating officer shall hold an office higher than that of the officer concerned.

(5) Subject to subregulation (6), the investigating officer shall promptly but not later than thirty days after his appointment, investigate the matter, produce a report of his investigations and forward the report to the disciplinary officer.

(6) The investigating officer may apply to the disciplinary officer during the time specified in subregulation (5) for an extension of time but shall not be granted an extension exceeding thirty days to forward his report to the disciplinary officer.

(7) Where, in the explanation given under subregulation (3), the officer concerned makes an admission of guilt, the investigating officer shall forward the matter to the disciplinary officer who shall forward it to a disciplinary tribunal which shall determine the penalty to be imposed without further enquiry.

(8) Where the disciplinary officer, based on the results of the investigation under subregulation (3), finds that the complaint is without substance he shall so inform the officer concerned and the record of the complaint and of the investigation shall be immediately forwarded to the Assistant Commissioner for his final determination.

(9) Where the disciplinary officer, based on the results of the investigation under subregulation (3), finds that there is substance in the complaint he shall cause the officer concerned to be charged for any disciplinary offence disclosed and refer the matter to the disciplinary tribunal not later than twenty days from the date of the charge.

(10) The disciplinary officer shall cause a copy of the charge to be served on the officer concerned and the charge shall contain the particulars of the time, date and place of the hearing.

(11) Where an officer finds an officer of a lower rank than him committing a disciplinary offence or receives a report from another officer or a member of the public, the senior officer shall warn the officer in writing that he may be charged for a disciplinary offence and shall refer the matter to the disciplinary officer immediately.

(12) Where an officer is warned under subregulation (11), subregulation (2) shall not apply.

Power of disciplinary tribunal.

153. (1) Where the officer admits the charge he shall be allowed to state any extenuating circumstances in mitigation and the disciplinary tribunal may impose any penalty within its delegated powers.

(2) Where the officer denies the charge the disciplinary tribunal shall proceed to hear and determine the matter.

(3) A disciplinary tribunal has the power to dismiss the charge on any ground, or find the officer guilty of the charge and impose a penalty that it is authorised to impose by law.

Duty of officers appointed to disciplinary tribunal.

154. (1) It shall be the duty of every person appointed to hear the evidence, find the facts and determine the charge, to do so as soon as possible.

(2) Where an officer who is a member of a disciplinary tribunal of three or more members is absent for whatever reason, including the grant of sick leave, the disciplinary tribunal may continue to hear and determine the matter in the absence of that officer, but the tribunal shall not be constituted of less than two members.

Officer on charge not to be permitted leave.

155. An officer who is charged with an offence shall not, without the written permission of the Assistant Commissioner, be permitted to take leave, other than sick leave or maternity leave, until the determination of the charge.

Procedure at hearing.

156. (1) Where an officer fails to give an explanation under regulation 156(2) or fails to admit or deny the charge, the hearing shall proceed as though the officer denied the charge.

(2) The following procedure shall apply to a hearing by a disciplinary tribunal:

(a) the officer shall be given full opportunity to defend himself;

(b) the case against the officer may be presented by another officer, but that officer shall be the holder of an office higher than that of the officer charged;

(c) at the hearing the officer may conduct his defence either in person or may be represented by another officer of his choice or by his staff association or by an Attorney-at-law, except where the hearing is before a disciplinary tribunal constituted of one officer, the officer

charged shall not be represented by an Attorney-at-law, and the officer or his representative may cross-examine the witnesses called in support of the case against him; and

(d) a true record of the proceedings shall be taken.

(3) Nothing in this regulation shall be construed so as to deprive the officer from making a submission at any time that the facts disclosed in the evidence do not support the charge.

Witnesses.

157. (1) The officer shall be allowed to state the names and addresses of any witnesses whom he may desire to give evidence at the hearing of the matter.

(2) Any such witness who is an officer shall be ordered to attend at the hearing and any other witness shall be given due notice that his attendance is desired and of the date, time and place of the hearing.

(3) The disciplinary tribunal may order that a witness be granted a sum for reasonable out of pocket expenses.

Adjournment of hearing.

158. The hearing of any charge may be adjourned from time to time as may appear necessary for due hearing of the case, but not longer than fourteen days.

Proceedings in private.

159. The proceedings before a disciplinary tribunal shall be held in private.

Hearing in absence of accused officer.

160. If an officer does not attend the hearing of the charge against him without good reason, the hearing may proceed and conclude in his absence, but if good reason is given to the disciplinary tribunal or on behalf of the officer why he is unable to attend the hearing, the hearing shall be adjourned.

Hearing in absence of prosecutor.

161. Where the prosecutor is absent without satisfactory explanation, the disciplinary tribunal shall adjourn the matter and so inform the Officer in Charge of the Station where the prosecutor is posted and that officer shall make inquiries and inform the tribunal in writing, before the next hearing, why the prosecutor was absent.

Standard of proof.

162. (1) The standard of proof in any proceedings under this Part shall be that required in a Court in civil cases.

(2) The rules governing the admissibility of evidence shall be observed but the rules relating to the proof of documents may be waived except where a document is an issue in the proceedings.

(3) No documentary evidence shall be used against the officer unless he has previously been supplied with a copy of it or given access to it.

Tribunal to report.

163. The disciplinary tribunal shall make a confidential report to the Assistant Commissioner and the report shall contain the facts, decision, reasons and any comments thereon it considers advisable.

Further offence before disciplinary tribunal.

164. (1) Where, during the course of the hearing of a charge, it appears to the disciplinary tribunal that there is evidence which could form the basis of another charge for which the penalty is within its delegated authority, the disciplinary tribunal shall—

(a) cause the officer to be charged for the other offence;

(b) proceed to hear and determine the original charge; and

(c) subject to subregulation (2), proceed to hear and determine the other charge.

(2) Where an Officer is charged for another offence under subregulation (1), the disciplinary tribunal shall adjourn the hearing of the other offence, if requested by the officer, for not more than seven days.

Disciplinary tribunal may report to Assistant Commissioner.

165. (1) Where a disciplinary tribunal has heard the evidence, found the facts and is of the opinion that the appropriate penalty for any offence is dismissal it shall make a report to the Assistant Commissioner.

(2) The Assistant Commissioner shall consider the report of the disciplinary tribunal submitted under subregulation (1) and may or may not dismiss the officer or impose any other penalty specified in regulation 173.

Insufficient evidence before disciplinary tribunal.

166. Where a disciplinary tribunal on hearing the evidence finds that the evidence is insufficient to support the charge or charges it shall dismiss the matter, without calling on the officer for his defence.

Informing officer of decision and his right of review.

167. (1) At the conclusion of a matter, the disciplinary tribunal shall inform the officer who is convicted that he may—

(a) appeal the decision of the tribunal to the Commission; and

(b) apply, in writing, to the Assistant Commissioner for a copy of the record of the proceeding.

(2) The Assistant Commissioner shall, as soon as possible after making a decision under regulation 165, inform the officer in writing of the—

(a) decision;

(b) right to appeal the decision to the Police Service Commission; and

(c) right to apply, in writing, to the Assistant Commissioner for a copy of the record of the proceedings.

(3) Where the officer—

(a) files an application for a review, the penalty shall not take effect pending determination by the reviewing authority; and

(b) does not file an application for review, the penalty shall take effect at the expiration of the time specified in any written law for filing such application.

(4) Where an officer is informed that the penalty imposed on him is dismissal, the officer, notwithstanding that he files an application for review within the time specified in the written law, shall not receive any pay or allowances from the date specified by the Assistant Commissioner.

(5) The failure to inform an officer of his right to file an application for review or to apply for a copy of the record of the proceedings shall not invalidate the decision of the Assistant Commissioner or a disciplinary tribunal.

Assistant Commissioner may remove officer in public interest.

168. Where, after considering the report of the disciplinary tribunal submitted under regulation 165, the Assistant Commissioner is of the opinion that the officer does not deserve to be dismissed by reason of the charges alleged but that the proceedings disclose other grounds for removing him from the Service in the public interest, the Commission on the advice of the Assistant Commissioner may make an order for the removal of the officer without recourse to the procedure prescribed by regulation 32.

Penalties.

169. (1) The following are the penalties that may be imposed by the Assistant Commissioner in disciplinary proceedings brought against an officer in respect of a disciplinary offence:

(a) dismissal, that is, termination of appointment;

(b) reduction in an office, that is, removal to another grade with an immediate reduction in pay;

(c) reduction of remuneration, that is, an immediate adjustment of remuneration to a lower point on the scale of remuneration attached to the particular office;

(d) deferment of increment, that is, a postponement of the date on which the next increment is due, with corresponding postponements in subsequent years;

(e) stoppage of increment, that is, no payment for a specified period of an increment otherwise due;

(f) fine; or

(g) reprimand.

(2) Where a fine is imposed, the amount of such fine shall be deducted from the pay of the officer in such manner as may be determined by the Commission on the advice of the Assistant Commissioner.

Non-payment of remuneration on conviction for a criminal offence.

170. (1) An officer convicted of a criminal charge and sentenced to imprisonment without the option of a fine or convicted of a criminal charge involving dishonesty or fraud shall not receive any pay or allowance after the date of conviction.

(2) The Commission, on the advice of the Assistant Commissioner may direct that an officer convicted of a criminal charge shall cease to perform the duties of his office immediately.

(3) Notwithstanding that an officer referred to in subregulation (1) has appealed against his conviction, he shall not receive any pay or allowance after the date of conviction.

PART XIV

RECOGNITION OF MUNICIPAL POLICE SERVICE ASSOCIATION

Interpretation of Part XIV.

171. (1) In this Part—

"applicant association" means an association making an application;

"application" means an application made under regulation 172;

"association" means an association formed under the Municipal Corporations Act;

"member" means an officer who has paid by way of subscription to an association for a continuous period of two months immediately prior to the date on which an application is made, the sum required by the rules of that association;

"Minister" means the Minister assigned with responsibility for finance;

"objecting association" means an association making an objection under regulation 174.

(2) For the purpose of these Regulations, where an officer is a member of an appropriate recognised association, any subscription paid by him to any other association shall not be taken into account for the purpose of determining membership of that other association.

Representation of Municipal Police Officers. [9/2015].

171A. Municipal Police Officers may form associations, and such associations shall, subject to these Regulations, be recognised by the Minister of Finance as appropriate associations for consultation and negotiation in respect of—

(a) the classification of offices;

(b) any grievances;

(c) remuneration and other terms and conditions of employment; and

(d) any other matters concerning Municipal Police Officers.

Rules. [9/2015].

171B. (1) Every appropriate recognised association shall make Rules providing for the administration of the association and for carrying out of objects of the association, and with respect to such Rules, the following provisions shall have effect:

(a) the Rules shall contain provisions in respect of the several matters mentioned in Schedule 4; and

Schedule 4.

(b) a copy of the Rules and any amendment shall be delivered by the association to every Municipal Police Officer who is a member of that association on demand and on payment of such sum as the association may approve.

(2) The Rules, including any amendment to such Rules, of an association shall be filed with the Registrar General and have effect from the date on which they are filed unless some later date is specified from which they shall have effect.

Application for recognition. [9/2015].

172. (1) An association seeking recognition as an appropriate association shall apply in writing to the Minister.

(2) An application shall be accompanied by—

(a) a document from the Registrar General certifying that the Rules of the association have been filed under regulation 171B(2);

(b) a copy of the Rules of the association;

(c) a list of the names of members of the association that the association purports to represent and of the class and any category of office into which those members fall; and

(d) an affidavit made by the person authorised by the executive of the association testifying that at the date of the application—

(i) no member of the association is a member of any other association; and

(ii) the membership of the association comprises more than fifty per cent of the persons falling into the class that the association purports to represent.

Publication of application. [9/2015].

173. The Minister shall within seven days of receipt of an application cause a notice to be published in the *Gazette* stating—

(a) the date of the application, the name of the applicant association and the place where the documents specified in regulation 172(2)*(b)* and *(c)* may be examined; and

(b) that unless an association objects before the expiry of fourteen days from the date of the publication of the notice, the application shall be determined.

Objection to application.

174. (1) An association may object to an application by writing to the Minister before the expiry of fourteen days from the date of the publication of the notice referred to in regulation 173*(b)*.

(2) The grounds for an objection shall be—

(a) that more than fifty per cent of the class that the applicant association purports to represent, are already represented by the objecting association; or

(b) that the members of the application association are members of the objecting association.

(3) The Minister on receipt of those objections shall cause the applicant association to be informed in writing of the objection of the objecting association.

(4) The applicant association may respond to those objections in writing to the Minister no later than seven days of being so informed.

Examination of records.

175. (1) Where an application is made, or where an objection is made to the Minister under regulation 174(1), the Minister may require the applicant association or the objecting association

to produce before the expiry of seven days of the date of the application or the objection, such books, records or other documents as he thinks fit.

(2) The Minister shall cause any books, records or other documents produced by an association under subregulation (1) to be examined in order to ascertain—

(a) the membership of the association; and

(b) which association is representative of more than fifty per cent of a class of officers.

Decision of Minister. [9/2015].

176. The Minister shall determine an application no later than thirty days from the date of the notice referred to in regulation 173, and in so doing shall consider any objections or responses to those objections made under regulation 174(1).

Public recognition. [9/2015].

177. The Minister, upon being satisfied that an association satisfies regulation 171A, shall cause a notice of recognition of that association as the appropriate recognised association to be published in the *Gazette* together with any withdrawal of recognition from an appropriate recognised association under regulation 171A, as may be necessary.

Special duty leave and time off.

178. (1) Subject to the exigencies of the Service, special duty leave with full pay up to fourteen days per year may be granted by the Assistant Commissioner to an officer who is required to attend a conference in or outside of the State as a delegate of an appropriate recognised association.

(2) Leave granted to an officer under subregulation (1) shall not affect his entitlement to vacation leave.

(3) An officer who is a member of an appropriate recognised association and who is authorised to do business for that association shall be allowed time off to do such business by the Assistant Commissioner if the work of the Service would not be unduly affected.

(4) An application for leave or time off under this section shall, as far as practicable, be made well in advance of the commencement of such leave or time off.

PART XV

GRATUITIES AND PENSIONS

Computation of gratuity, etc., a matter of high priority.

179. (1) The computation and authorisation of gratuities and pensions of officers whose retirement from a Municipal Police Service is known to be impending shall be treated as urgent matters of high priority.

(2) The Assistant Commissioner shall ensure that particulars of service and pay of all officers whose retirement is known to be imminent are furnished accurately to the Comptroller of Accounts not less than three months before the date on which the officers concerned are due to retire, in order to enable the computation and checking of pensions, retiring allowances and gratuities to be completed by the Comptroller of Accounts and the Auditor General and submitted for authorisation before the date on which the retirement of the officer from the Service is due to take effect.

Contribution to superannuation allowances.

180. (1) As a contribution towards the special superannuation allowances provided to officers, there shall be deducted from the pay of every officer a sum at such yearly rate as the President from time to time directs, not being a greater rate than one and one-quarter per cent and all such sums shall be paid to the Comptroller of Accounts on or before the eighth day of every month.

(2) In the event of an officer leaving the Service by reason of dismissal without being eligible for a pension or gratuity under any written law, he is entitled to the return in full, of all deductions made from his pay under subregulation (1), but the President may direct that any amount due to the State in respect of any liability or defalcation be deducted from any amount so returnable.

(3) In addition to the contribution payable under subregulation (1), an officer shall, if the case so requires, pay arrears of contribution in respect of his full-time service as an officer or in a pensionable office in the Public Service or in respect of both.

(4) The arrears of contribution payable under sub-regulation (3) shall be determined on the basis of the actual pay

received by the officer for each year in respect of which the arrears are payable and the aggregate amount thereof shall, in the case of an officer who retires from the Service, be deducted from his pay, as far as practicable, by equal monthly instalments, over a period of three years from the above-mentioned date or such lesser period, where the remainder of the service of the officer in the Service is less than three years, or from his gratuity, by lump sum, where any arrears of contribution are unpaid on the retirement of such officer.

(5) In subregulation (3), "Public Service" has the same meaning as in the Pensions Act and includes service in the Fire Service established under the Fire Service Act, in the Prison Service established under the Prison Service Act, and as a full-time member of the Special Reserve Police established by the Special Reserve Police Act. Ch. 23:52. Ch. 35:50. Ch. 13:02. Ch. 15:03.

Pension to officer in special cases.

181. (1) Subject to subregulation (2), an officer who is physically or mentally disabled may retire and, if he has completed ten years of satisfactory service, he may be granted a monthly pension not exceeding 1/480th of a month's pay for each completed month of service.

(2) A pension shall not be granted under subregulation (1) unless it is stated in a certificate of a Medical Board that the officer to whom the certificate refers is incapable from infirmity of mind or body of performing the duties of his office and that such infirmity is likely to be permanent.

(3) Subject to this regulation, an officer who is not disabled, has attained the age of fifty years and has served in the Service for not less than ten years may be granted a monthly pension not exceeding 1/480th of a month's pay for each completed month of service.

(4) For the purpose of regulation 183(3) and subregulation (3), a period of full-time service in a pensionable office in the Service shall be counted as service in the Service if it terminates not earlier than the day immediately preceding the commencement of service in the Service.

(5) In subregulation (4), "full-time service" means

service remunerated at a monthly-paid rate and includes any period of absence from duty on leave with full pay.

(6) The amount of any pension payable to an officer under this regulation shall not exceed eighty-five per cent of his final pay for the year in which he retires.

(7) Where a period of service as an officer is or has been immediately followed by service in a pensionable office in another public service as defined in the Pensions Act, such an officer, notwithstanding anything contained in subregulation (4), is entitled to a monthly pension under the Act not exceeding 1/480th of a month's pay for each completed month of service if he has served in the Service for not less than ten years, and if he ultimately retires from that other public service at an age less than fifty years at which he is permitted by regulations of that service to retire with a pension, the pension which may be granted to him under the Act shall be payable from the date of such retirement, notwithstanding that he shall not be fifty years of age.

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(8) An officer may, if he has exercised his option as provided in subregulation (9) but not otherwise, be paid, in lieu of any pension for which he is eligible, a pension at the rate of three-fourths of such pension together with a gratuity equal to twelve and one-half times the amount of the annual reduction so made in the pension.

(9) The option referred to in subregulation (8) shall be exercisable, and if it has been exercised may be revoked—

(a) not later than one month after the retirement of the officer in case of a pension awarded under subregulation (1) or (2); and

(b) not later than the day immediately preceding the date of his retirement from another public service in the case of a pension awarded under subregulation (7), but the President may, if it appears to him equitable in all the circumstances to do so, allow such an officer to exercise the option or revoke an option previously exercised at any time between that date and the actual date of award of pension under the Act.

(10) The date of the exercise of the option by an officer under subregulation (8) is deemed to be the date of the receipt of his written notification addressed to the Assistant Commissioner.

(11) Subject to subregulation (8), if an officer has exercised the option, his decision shall be irrevocable so far as concerns any pension to be granted to him under this regulation.

(12) Where an officer has not exercised the option, and dies after his retirement but before a pension has been awarded under the Act, the President may grant a gratuity and a reduced pension as provided for in subregulation (9) as if the officer before his death, had exercised the option.

(13) Nothing in this subregulation shall be construed to entitle an officer absolutely to any pension, or to prevent his being dismissed without pension, subject to subregulations (14) and (15), if such an officer to whom a pension has been granted under the Act is sentenced to a term of imprisonment by a Court in Trinidad and Tobago or elsewhere for any crime or offence, or quits Trinidad and Tobago after having reason to know that a charge of having committed any indictable or summary offence has been laid against him, and before such charge has been heard and determined, the President may direct that such pension shall immediately cease.

(14) An officer whose pension has ceased in pursuance of subregulation (13), and who at any time receives a pardon in respect of the offence for which he had been convicted, is entitled to have such pension restored to him with effect from the date on which it was ceased.

(15) The President may, where a pension ceases for the reasons set out in subregulation (13), cause all or any part of the moneys to which the pensioner would have been entitled by way of pension to be paid to or applied for the benefit of his wife or children or, after the expiration of his sentence, for his personal benefit in such proportions and manner as the President thinks proper, and such moneys shall be paid or applied accordingly.

Payments out of pension.

182. (1) Where an order of maintenance is made against an officer to whom a pension has been granted under any written law,

the President may, on its being proved to him that there is no reasonable probability of such order being satisfied, from time to time cause to be deducted from the moneys payable to such person such sum as the President may consider expedient and may cause the same to be applied to satisfy wholly or partly the said order.

(2) Where an officer to whom a pension has been granted has left Trinidad and Tobago and has deserted and left his wife or child in Trinidad and Tobago without sufficient means of support and by reason of such officer's absence from Trinidad and Tobago is unable and would, but for such absence, be able to obtain an order of maintenance, the President may from time to time cause to be deducted from the moneys payable to such officer by way of pension such sum as the President may consider expedient and apply the same for the maintenance and support of such wife or child.

Service for less than ten years.

183. (1) When an officer has been retired in accordance with regulation 181(1), and regulation 181(2) has been satisfied, but such officer has not served in the Service for ten years, he may be granted by way of gratuity a sum not exceeding one-twelfth of a month's pay for each completed month of service.

(2) An officer who has served in the Service for more than five years but less than ten years and who—

(a) does not at the end of any period of enlistment or re-enlistment, re-enlist; or

(b) is dismissed or has his services dispensed with may be granted by way of gratuity such sums not exceeding one-twenty-fourth of a month's pay for each completed month of service.

Broken service.

184. (1) No pension, gratuity or other allowance shall be granted in respect of a period of service that is broken by dismissal or removal.

(2) Service is not broken where it is interrupted by one or a combination of the following:

(a) one day;

(b) weekends;

(c) public holidays;

(d) suspension; or

(e) interdiction, where the outcome is favourable to the officer.

Permanent injury.

185. (1) Subject to subregulation (2), where the President is satisfied that an officer has been permanently injured—

(a) in the actual discharge of his duty;

(b) without his own default; and

(c) by some injury specifically attributable to the nature of his duty,

and his retirement is thereby necessitated or accelerated, such an officer may be granted in respect of such injury, in addition to any pension or gratuity granted to him, an allowance in proportion to his injury of such monthly amount as the President may direct, not exceeding the following:

When his capacity to contribute to his support is—

Slightly impaired	1/12th of a month's salary
Impaired	1/6th of a month's salary
Materially impaired	1/4th of a month's salary
Totally destroyed	1/3rd of a month's salary

(2) An officer who is permanently injured while travelling by air in pursuance of official instructions is deemed to have been injured in the circumstances detailed in subregulation (1)*(a)* and *(c)* and in any such case, if the provisions of subregulation (1)*(b)* are also satisfied, the rates of allowances shall be one-eighth, one-quarter, three-eighths, and one-half of a month's pay respectively, instead of the rates of allowance prescribed in subregulation (1).

(3) The allowance referred to in subregulation (1) together with any pension granted hereunder shall not exceed five-sixths of a month's pay as at the date of injury and for the purposes of this subregulation any exercise of the option conferred by regulation 181(9) shall be ignored in calculating any such pension.

(4) The allowance referred to in subregulation (1) shall be less than the maximum specified in subregulation (3) by such

amount as the President thinks reasonable in the following cases, namely:

(a) where the injured officer has continued to serve for not less than one year after the injury in respect of which he retires;

(b) where the injured officer is forty-five or more years old at the date of the injury; or

(c) where the injury is not the sole cause of the retirement.

(5) Before granting an allowance under subregulation (1), the President shall be furnished with the report of a Medical Board, so far as may be possible, on the matters relevant to his decision, and shall be guided by such report.

(6) Where an injured officer has not qualified for any pension under this Act but is entitled to a gratuity under regulation 181(8) he may be granted, in lieu of such gratuity, a further allowance of such monthly sum, not exceeding one-twelfth of so many 480ths of a month's salary as is equal to the number of months he has actually served, as the President may direct.

Pension to dependant of officer killed on duty and gratuity to spouse, etc., of officer who dies in the Service.

186. (1) If an officer dies as a result of injuries received—

(a) in the actual discharge of his duty;

(b) without his own default; and

(c) on account of circumstances specifically attributable to the nature of his duty,

while in the service of the Service, the President subject to subregulation (2), may grant, in addition to the grant, if any, made under regulation 181(3) where—

(d) the deceased officer leaves a spouse, a pension to the spouse, while unmarried, according to such scale as may from time to time be fixed by the President;

(e) the deceased officer leaves a spouse to whom a pension is granted under paragraph *(d)* and a child, a pension in respect of each child, until such child attains the age of eighteen years, of an amount not exceeding one-eighth of the pension payable under paragraph *(d)*;

(f) the deceased officer leaves a child, but does not leave a spouse or no pension is granted to the spouse, a pension in respect of each child, until such child attains the age of eighteen years, of an amount not exceeding one-quarter of the pension payable under paragraph *(d)*;

(g) the deceased officer leaves a child and a spouse to whom a pension is granted under paragraph *(d)*, and the spouse subsequently dies, a pension in respect of each child, as from the date of the death of the spouse until such child attains the age of eighteen years, of an amount not exceeding one-quarter of the pension payable under paragraph *(d)*;

(h) the deceased officer does not leave a spouse, or if no pension is granted to his spouse and if his mother was wholly or mainly dependent on him for her support, a pension to the mother, whilst she is without adequate means of support, of an amount not exceeding the pension which might have been granted to his spouse.

(2) A pension shall not be payable under subregulation (1) at any time in respect of more than six children, and where there are more than six children in respect of whom, but for this subregulation, a pension would be payable, then the amount payable in respect of six children shall be divided equally among all such children during the period in which there are more than six children of pensionable age.

(3) In the case of a pension granted under subregulation (1)*(f)*, if the mother is a widow at the time of the grant of such pension and subsequently remarries, such pension shall cease as from the date of the remarriage; and if it appears to the President at any time that the mother is adequately provided with other means of support, such pension shall cease as from such date as the President may determine.

(4) A pension granted to a female child under sub-regulation (1) shall cease upon the marriage of such child under the age of eighteen years.

(5) For the purpose of subregulation (1), the word "child" includes—

(a) a posthumous child;

(b) a stepchild born before the date of the injury and wholly or mainly dependent upon the deceased officer for support; and

(c) an adopted child, adopted in the manner recognised by law, before the date of the injury, and wholly or mainly dependent upon the deceased officer for support.

(6) An officer who dies as a result of injuries received while travelling by air in pursuance of official instructions is deemed to have died in the circumstances mentioned in subregulation (1)*(a)* and *(c)*.

(7) If an officer dies while in the Service, the President may grant to his spouse or to his children or to any of his dependents a gratuity of an amount not exceeding one year salary of such officer, or his commuted pension gratuity, if any, whichever is the greater.

(8) Where an officer, to whom either an unreduced pension or a gratuity and reduced pension has been granted, dies after retirement from the Service, and the sums paid or payable to him at his death on account of such unreduced pension, or gratuity and reduced pension as the case may be, are less than the amount of the annual salary enjoyed by him at the date of his retirement, the President may grant to his spouse or to his children or to any of his dependents a gratuity equal to the deficiency.

(9) For the purpose of subregulations (7) and (8)—

"commuted pension gratuity" means the gratuity, if any, calculated in the manner prescribed in regulation 181, which might have been granted to the officer if he had retired immediately before his death in circumstances rendering him eligible to receive a gratuity and reduced pension instead of an unreduced pension; and

"dependent" means a spouse, child, including an adopted child and a child of the family, parent, grandparent, step-parent, brother, sister, half-brother, half-sister, or a person who

stood in *loco parentis* to the deceased officer whether related to him by consanguinity or not.

PART XVI

MISCELLANEOUS PROVISIONS

Communication to Assistant Commissioner.

187. (1) Any communication that an officer wishes to address to the Assistant Commissioner shall be forwarded through the senior officer under whom he is serving.

(2) The senior officer in forwarding a communication from a junior officer is expected to comment and give advice on the questions dealt with in such communication.

Official communication.

188. An official communication that an officer wishes to address to a Government Official or Department shall be forwarded to the Assistant Commissioner through the senior officer under whom he is serving.

Orders.

189. (1) Orders may be issued to officers as follows:

(a) Standing Orders, by the Commissioner and Assistant Commissioner; and

(b) Service Orders, by the Commissioner and Assistant Commissioner.

(2) The Assistant Commissioner may appoint a committee to advise him on the issue of Standing Orders.

(3) The appropriate recognised association shall be invited by the Assistant Commissioner to nominate representatives to serve on a committee appointed under subregulation (2).

Standing Orders with respect to books and other records.

190. The Assistant Commissioner may issue Standing Orders to the Service setting out the books and other records to be kept at Divisions, Branches, Stations or other Administrative or Operational Units of the Service, the manner in which such books or other records are to be kept, and how they should be disposed of.

Corrections.

191. No erasures shall be made in any official book or document but mistakes shall be crossed out and initialled, except

in the case of corrections in a Station Diary which shall be made by the recording of a new entry correcting the original entry.

Circulation of orders.

192. (1) The Assistant Commissioner shall bring all orders, regulations and other official publications affecting officers to their attention.

(2) The Assistant Commissioner shall circulate the *Gazette* for the information of all officers.

Pocket diary

193. (1) An officer shall have in his possession his pocket diary at all times.

(2) An officer shall record in his pocket diary all entries in relation to his duties.

Legal aid.

194. Where an officer, who is charged other than by the police with a criminal offence arising out of or in the course of the execution of his duty, seeks legal aid in the conduct of his defence, the Assistant Commissioner, if satisfied that the officer acted in good faith in the execution of his duty, shall so report to the Attorney General who shall decide whether the officer shall be granted legal aid.

Change of name.

195. An officer shall inform the Assistant Commissioner in writing when he changes his name and shall submit documentary evidence of that fact as soon as possible.

Saluting.

196. (1) An officer of the First Division shall salute his seniors in rank.

(2) An officer of the Second Division shall salute an officer of the First Division.

(3) An officer shall salute such designated persons on such occasions as the Assistant Commissioner may direct.

Register of found property.

197. A record shall be kept in a register of all found property in such manner as the Assistant Commissioner may direct.

Sports Club.

198. (1) There shall be a Municipal Police Sports Club of which every officer and trainee shall be a member and of which the Assistant Commissioner shall be President.

(2) The Municipal Police Sports Club shall be managed by a committee ("the Management Committee") to be elected annually by the members and approved by the Assistant Commissioner.

(3) The Management Committee shall submit annually to the Assistant Commissioner an audited financial statement of the Sports Club.

(4) Members shall pay a subscription to be fixed by the Assistant Commissioner after consultation with the Management Committee.

(5) Rules for the general management of the Sports Club shall be—

(a) made at the Annual General Meeting or at any other general meeting called for the purpose;

(b) subject to the approval of the Assistant Commissioner; and

(c) binding on all members of the Club.

Police Band.

199. A member of the Municipal Police Band shall not participate as a player at any public or private entertainment except with the written permission of the Assistant Commissioner.

Police Band to play with permission.

200. (1) The Municipal Police Band or part of the Band may, with the written permission of the Assistant Commissioner, play at any entertainment.

(2) Fees shall be charged for playing at such entertainment at such rates as may be approved by the Assistant Commissioner.

(3) Fees paid under subregulation (2) shall be paid in advance and eighty per cent of it shall be divided amongst members of the Band playing at such entertainment in such proportion as the Assistant Commissioner shall direct and the remainder shall be paid into the unincorporated Trust Fund.

Application of Regulations.

201. These Regulations shall apply to every officer, whether the officer is appointed to an office in the Service for an indeterminate period, on probation or on contract.

SCHEDULE 1

Regulations 4(1) and 6(1).

Attach recent passport size photograph

TRINIDAD AND TOBAGO MUNICIPAL POLICE SERVICE

APPLICATION FOR TRAINEE/BAND APPRENTICE

1. Surname ……..……..……..……..……..
2. First Names ……..……..……..……..……..
   Other names known by (if any) ……..……..……..……..……..
3. Present Address ……..…..……..……..…
4. Home Address (if different from 3) ……....……....
   …….....……
5. Full Postal Address ……..……..…….....…
   ……..……...……...
6. Telephone Number ……..……..……..……....……....
7. State full address or addresses at which you have resided over the last five (5) years:

Address	Time	

8. Date of Birth …….....……

9. Citizenship ….....……

10. *(a)* Father's Name ……..... Nationality ….....……

(b) Mother's Name ……..... Nationality ……....….…....

11. What is:

(a) Your Occupation …….....……

(b) Your Father's Occupation …….....……..…

(c) Father's Present Address ……....……

(d) Your Mother's Occupation …….....……...…

(e) Mother's Present Address …….....……...…

12. State below, in order of date, the schools you have attended:

	Date of		Particulars

Name of School	Entry	Leaving	Age of Leaving	Scholarship, etc., and whether School Prefect, etc.

SCHEDULE 1—*Continued*

13. Academic or other Qualifications including musical ability, Certificates, etc., (G.C.E., 'O' Levels and 'A' Levels, etc.):

……..……..……

……..……..

14. Languages spoken ……..……..……

15. Give details of your employment since leaving school:

Name and address of employer	Capacity in which employed	Dates Employed		Reason for leaving
		From	To	

16. *(a)* Are you the holder of a driving permit? ……..……..

(b) If so, state date of issue ……..……..……..…

(c) Types and classes of vehicles you are permitted to drive ……..

(d) Driving Permit number ……..……..……

17. Give details of any special skill:

……..……..……

……..……..

18. Married/Single ……..……. If married, state Spouse's Name and Address:

…..……..……..……

……..……..……

19. Number and ages of children ……..……

20. State your height (in bare feet) and weight in (kg):

……..……..……

21. Details of any sports or other extra curricular activities in which you take part, and at what level ……..……...……

22. Have you ever been charged with or summoned before a Court for any offence?

……..……...…

If so, give particulars of offence, date, place, Court and result:

…….....……...……..

……..……..

……..……..

23. Give names and addresses of two citizens (not relatives) who have known you for not less than five (5) years, and to whom reference may be made:

24.

Name	Address	Occupation	Period of Knowledge of Candidate	
			From	To

25. Attach at least (2) testimonials from persons other than those mentioned at 23 above.

I hereby declare that all the above statements made by me are true and correct to the best of my knowledge and belief.

Date …….....…… Signature of Applicant ……...……

N.B.: Applications must be submitted to the Officer in Charge of the Municipal Police Station nearest to which the applicant resides.

SCHEDULE 2

Regulation 13.

TRINIDAD AND TOBAGO MUNICIPAL POLICE SERVICE

PROBATIONER'S ASSESSMENT

Number ..... Date Enlisted .....

Name .....

ASSESSMENT

	Unsatisfactory	Improvement Required	Satisfactory	Above Average
1. Has he/she shown sustained interest in his/her duties?				
2. Industry: Does he/she do his/her full share of work?				
3. Performance: Has his/her work been generally of good standard?				
4. Is he/she clear and precise in his/her speech and writing?				
5. Has he/she been reasonable in dealing with reports and applying the law?				
6. Has he/she been found wanting in his/her behaviour towards the public?				
7. Is he/she amendable to discipline?				
8. Is his/her appearance and turnout always of good standard?				

	Unsatisfactory	Improvement Required	Satisfactory	Above Average
9. Can he/she be depended upon to perform duties within his/her competence without direct supervision?				
10. Punctuality.				
11. Absent from duty.				
12. Does he/she have personal problems, domestic, financial or otherwise?				

General remarks of Appraisal:

.....

.....

.....

Rank .....

....
Signature *Date*

Remarks of Officer in Charge of Division:

.....

.....
.....

Rank .....

....
Signature *Date*

SCHEDULE 3

Regulation 140.

STATEMENT OF INDEBTEDNESS

As at .....20.....

Name .....

Rank ..... Married, Single or Other .....

Division or Branch ..... Number of dependants .....

Salary .....

Salary after deductions .....

To whom Indebted		Reason for which Debt was incurred	How Secured	Terms of Repayment	Amount now Outstanding
Name	Date Incurred				

Date ..... Signature .....

SCHEDULE 4

Regulation 171B. [9/2015].

MATTERS TO BE INCLUDED IN RULES OF A MUNICIPAL POLICE SERVICE ASSOCIATION

Matters to be included in Rules of a Municipal Police Service Association are as follows:

(1) The name of the Association and the place of meeting for its business.

(2) The objects for which the Association is to be established, the purposes for which its funds shall be applicable, and the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member of the Association;

(3) The manner of making, altering, amending and rescinding Rules;

(4) A provision for the appointment and removal of a general committee of management, of a trustee, treasurer and other officers;

(5) A provision for the investment of the funds, and for an annual or periodical audit of accounts;

(6) The inspecting of the books and names of members of the Association by every person having an interest in its funds;

(7) The manner of dissolution;

(8) The protection of voting rights of members of the Association and the general conduct of elections;

(9) The powers, duties and functions of the Executive Committee of the Association;

(10) Method to resolve disputes between the members of the Association and the members of the Executive Committee; and

(11) Prohibition against admission to membership with respect to a Municipal Police Officer who is a member of an appropriate recognised association.

391/2014.

MUNICIPAL POLICE OFFICER (DUTY ALLOWANCE) ORDER

made under section 60

Citation.

1. This Order may be cited as the Municipal Police Officer (Duty Allowance) Order.

Duty allowance.

2. A duty allowance of one thousand dollars shall be paid to a Municipal Police Officer.

Commencement.

3. This Order is deemed to have come into operation on 1st October 2010.